

**ADULT PROBATION AND PAROLE
IN MARYLAND**

HALL OF RECORDS
ANNAPOLIS, MARYLAND

**A Study of the Courts, Probation and
Parole Services and the Paroling Board**

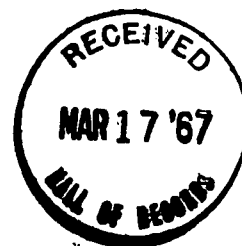
**REPORT OF STUDY
to the
COMMISSION TO STUDY THE CORRECTIONAL SYSTEM
of the
STATE OF MARYLAND**

**National Council on Crime and Delinquency
44 East 23rd Street, New York, New York**

1967

NATIONAL COUNCIL ON CRIME AND DELINQUENCY

44 East 23rd Street
New York, New York



February 17, 1967

Hon. Benjamin Michaelson, Sr., Chairman
Commission to Study the Correctional
System of Maryland
21 Windward Drive
Fair Winds on the Severn
Severna Park, Maryland

Dear Judge Michaelson:

The National Council on Crime and Delinquency submits herewith the report of a study of the adult probation and parole programs in Maryland. This study, made at the request of your committee, can be the basis for the development of an effective program for the rehabilitation of adult offenders, and one of which Maryland would be proud.

Perhaps the most significant and far-reaching recommendation in this report is the one calling for a single statewide correctional system for adult offenders. It is administratively sound and economically desirable to place under one administrative authority the responsibility to (1) study offenders and make recommendations to the court for disposition; (2) provide probation supervision and other community-based treatment services; (3) operate institutions for the care and rehabilitation of those requiring confinement; and (4) supervise the continued rehabilitation of persons released from institutions. The alternative is a fragmented and impractical system of services which are unnecessarily costly, and which fail to provide an essential continuum of correctional treatment and control.

Our study staff informs me that they received the utmost cooperation and courtesy from agency heads, supervisory

staff, and all staff of the agencies visited during the study. Not only were the staff of Maryland agencies cooperative and courteous, they were genuinely helpful, completely frank, and prompt to provide records and other data available. Without such helpful cooperation this study would not have been possible.

Maryland is to be commended for its continuing efforts to strengthen and improve its methods and programs to prevent, control, and treat crime and delinquency. The National Council on Crime and Delinquency, through the Maryland citizens on its Maryland Council, and through its staff resources, stands ready to lend assistance in the implementation of this report. Our continuing assistance is likewise available to promote worthy changes recommended by other sources.

Cordially,

Milton G. Rector
Director
enclosure

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INTRODUCTION

Following the serious riot in 1966 at the Maryland Penitentiary and considerable inmate unrest in the State's other major correctional institutions, there developed a general public and news media concern about Maryland's correctional system. Subsequently, Governor Millard Tawes appointed a bipartisan corrections commission--the "Commission to Study the Correctional System of Maryland"--composed of business and professional people. This Commission recognized the need for technical assistance in analyzing the complex correctional process of a growing state containing over 3,625,000 people. A comprehensive technical study was essential. Therefore, the Commission asked the Board of Public Works for funds to employ two outside, objective organizations to conduct a professional, fact-finding study of Maryland's correctional system.

The National Council on Crime and Delinquency was retained to study the courts, adult probation, the paroling authority, the preparation for release from institutions, and parole services.

A second phase of the study, not a part of this report, deals with the Department of Corrections and the correctional institutions of the State. This was undertaken by the American Correctional Association.

The jail system of Maryland was not included under the studies, but should be the subject of future inquiry if the State's leaders and top decision-makers are to have available to them a complete picture of Maryland's entire correctional continuum. This need can be partially met through a review of several recent studies of Maryland jails.

SCOPE AND PURPOSE OF THE STUDY

This study was designed to describe and evaluate probation and parole services to the adult felony and misdemeanor offender in Maryland. The selection for release and the aftercare supervision services of the Patuxent Institution were included as a part of the study. Specific areas studied were as follows:

1. The process of selection of offenders for probation and parole services
2. Administrative structures for probation and parole services
3. Personnel standards, supervision and training
4. Quantity and quality of probation and parole services rendered
 - (a) in the selection process
 - (b) in supervision and casework treatment

The purpose of the study is to recommend to the Commission immediate and long-range goals for improvement of Maryland's correctional, court, probation and parole system, based upon an evaluation of policy and practice in Maryland when

compared to generally recognized national standards.

STUDY METHOD

Methods used in the study included the following:

Observation of court and parole board hearings

Firsthand field observation in a representative sample of judicial districts, probation offices and parole district offices

Interviews with Circuit and Municipal or Misdemeanor Court judges, the Parole Board, probation and parole administrative staff, and a representative number of probation and parole officers

A reading of case records drawn from field offices of probation and parole, from institutions, and from the central files in the Board of Parole and Probation

Interviews with the Commissioner of Correction and his immediate staff, institution heads and their executive personnel, and individual and group conferences with treatment staff

Staff observation of a Department of Parole and Probation budget hearing, a meeting of the Board of Corrections, and several staff conferences in addition to interviews with the staff of the Personnel Director for the State of Maryland, the Administrative Office of the Appellate Court, and the Baltimore City and State Police

Each of the correctional institutions was visited, in most instances by more than one member of the study team.

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MAJOR FINDINGS AND RECOMMENDATIONS

The various correctional services in Maryland for adult offenders are the responsibility of a number of state and local governmental agencies, each operating independently of the others, and without the benefit of uniform standards. In short, Maryland's adult correctional services are not welded together into anything resembling an integrated correctional system. There is no single administrative person, board, or commission charged with the responsibility of seeing that all parts of the State's program work efficiently and in a manner that enhances the overall effectiveness of the entire effort.

It should be the goal in Maryland to establish a unified system of adult correctional services under one administrative director

Such a system should include all correctional institutions for adult offenders, all probation and parole services, the paroling authority, and all community-based residential and non-residential programs for adult offenders as now exist or may be later developed. When developed, the system should be headed by a capable, qualified leader of the highest caliber obtainable in the entire nation, and should contain the following divisions:

1. A Division of Institutional Services

2. A Division of Community Correctional Services, i.e., field services of parole and probation, community residential centers, etc.

3. An independent Board of Parole

The paroling authority, though recommended as an integral part of the unified system, should have complete authority, independent of the director of the total system, to grant and revoke parole. However, the field services of parole and probation should be administered by the recommended Division of Community Correctional Services rather than by the paroling authority.

It is recognized that the goal of a single correctional system cannot be reached without basic changes in the Constitution and various statutes of the State. It is respectfully suggested that this report be referred to the "Commission on the Revision of Criminal Laws", and to the "Constitution Study Commission" for appropriate study and action.

While the necessary steps are being taken to bring about a single correctional system, the present programs of parole and probation should be modified and strengthened along the lines set forth in this report.

The major findings and recommendations follow:

Information and Research

Maryland is particularly handicapped by a lack of meaningful and comprehensive statewide information concerning every phase

of the administration of criminal justice. Not only does much of the necessary information not exist, but that which is collected is not recorded and stored in a manner that makes it easily available or useful to state planners and fiscal agents.

The whole of the administration of justice--law enforcement, courts, and probation institutions, and parole--is a veritable laboratory for research. However, basic information must be collected, reported, and analyzed before areas needing research can even be properly identified.

Large amounts of tax dollars are going into the operation of the various state and local correctional programs. It is economically unsound and socially destructive to assume, without benefit of factual data and research evidence, that this money is well spent. The efficiency and effectiveness of the total effort to control, treat and prevent crime should constantly be evaluated. To do this requires the maintenance of significant information in a system that will make it readily and efficiently available for research and evaluation.

A modern computerized information system for the administration of criminal justice should be designed and implemented. Appropriate state and local agencies and departments should be required to contribute information to the system and policies should be developed for the protection of confidential information stored therein

Although individual agencies and departments should continue and expand their independent research efforts, a coordinated research effort

should be launched, involving the joint efforts of the Commissioner of Correction, Board of Parole and Probation, the Administrative Office of Courts, and other appropriate state and local officials

Sentencing

Complete uniformity in the sentencing practices of all judges in a system is nearly impossible, but wide variations can and should be eliminated. Much is needed to bring a greater degree of uniformity to the sentencing practices in Maryland. Some judges seldom impose a sentence without the benefit of a presentence investigation and written report by a probation officer. Other judges never use one. Some judges rely heavily on prison commitments while others use probation as the treatment method of choice. The practice of sentencing to an institution, then recalling the prisoner within 90 days and placing him on probation, shows wide variation among the judges. The use of minimum terms for committed offenders also varies. Statutes should mandate a presentence investigation and written report by a probation officer where:

- (a) The conviction is on a felony charge
- (b) The sentence contemplated is to an institution of confinement
- (c) The conviction in a court of limited jurisdiction is of a repeated offender; or is on one of a group of selected offenses determined to be of a serious nature

Probation should be the disposition of choice in a much higher percentage of cases

The statutes should be revised to clearly stipulate that persons committed to state institutions may be recalled from commitment by the court solely for reasons of law surrounding the guilt or innocence of the committed person--recall from commitment should not be used as a method of altering the correctional program of the offender unless it is established that the original sentence was not authorized by law

Minimum sentences, having the effect of preventing release on parole prior to the service of a stipulated portion of the term, should be eliminated. Statutes calling for, or allowing the judge to fix, minimum terms should be revised, and provision should be made to disallow the setting of a minimum term by the judge

Administration

Serious deficiencies exist in the administration of probation and parole services throughout the State. This is due in part to the limited budgets which, in turn, result in insufficient office space, equipment, clerical help, and professional staff at the administrative, supervisory, and practitioner levels. Workloads at all levels are extremely high and decisions are made and policy set on a crisis basis. Some planning was evidenced, but the opportunity to put plans into effect is severely limited by the pressure of trying to "keep up" with daily loads, as well as by budgetary deficiencies.

Staffing patterns, delegation of authority, and the promulgation of policy matters were the most outstanding problems

of administration not attributable directly to low budgets or high workloads. In none of the departments studied was there a clear-cut statement of policy in writing, nor was there anything like a full understanding of policy at all levels of staff. In some instances responsibilities were delegated to subordinate personnel, but often without the delegation of authority necessary to carry out the responsibility.

The Department of Parole and Probation is administered by the Chairman of the Board of Parole and Probation who, by statute, is the Director of the Department. The administration of the Department requires the full time services of a professionally qualified and experienced Director in whom should be vested full authority to administer the Department under the general policies established by the Board. The qualifications for the Director should be:

- a. A Master's degree from an accredited school of social work, or in one of the behavioral sciences
- b. Successful experience in probation and/or parole work
- c. Demonstrated administrative ability
- d. Personality characteristics conducive to good staff and community relationships

Recruitment for this position should not be limited to residents of Maryland; the position should be under a merit system, and the salary should be reasonably close to that of the members of the Board and the judges for whom he will be providing service

Top level attention is needed most in the Baltimore District office of the Department of Parole and

Probation. This office is located in the same building with and adjacent to the central office of the Board. There is a sound basis for re-locating this office away from the central office and decentralizing it to bring the services closer to the people receiving them and to promote better utilization of staff time

Personnel and Workloads

Personnel of all departments were found to be carrying excessive caseloads. Supervisory and administrative staff were, in addition to their primary responsibilities, carrying caseloads of varying size, a practice that should be eliminated.

Caseload standards established by NCCD should be adopted in Maryland for all probation and parole departments. These standards call for a maximum of 50 work units per officer--one case under supervision counting as one work unit, a presentence investigation counting as five work units, and a pre-parole investigation counting as three work units

Supervisory staff, responsible for supervising the work of case-carrying staff, should have no more than six officers to supervise, and should not carry a caseload of probationers or parolees

Clerical help should be provided at the ratio of one for each 2.5 professional staff

The present staff in all departments would need to be nearly doubled to meet national standards. A long-range plan to recruit, select and train sufficient staff should be developed, salaries and working conditions should be improved, and a statewide staff development and inservice training program is vitally needed.

The Department of Parole and Probation should be charged with the responsibility of developing a recruitment plan for the State, in cooperation with the existing local departments of probation, colleges and universities, and the Department of Correction

The Director of the Department should be authorized, by law or policy, to contract with colleges and universities, and other agencies and resources, for the training and advanced education of parole and probation staff, state and local

The staff development and training program, including stipends or grants-in-aid, educational leave, and similar programs to upgrade the skills of staff, should be financed by the State through the budget of the Department of Parole and Probation

Probation Services

There are three local probation departments and the State Department of Parole and Probation providing adult probation services in Maryland. There is no uniformity among them as to scope of services, methods of operation, qualifications and salary of personnel, format and content of investigation reports, record keeping, caseloads, personnel practices, and administration in general. Quality of work varies among the departments, as does the adequacy of space and arrangement of office facilities. Recruitment of staff, staff supervision and training, and staff morale are far from uniform. Not all courts have probation services.

Probation services should be provided to all courts, including courts of limited jurisdiction, as a state service, by the Department of Parole and Probation

Until all probation service is provided as recommended above, uniform standards applicable to local probation departments should be established and enforced by the Department of Parole and Probation. Consultation, training and State grants-in-aid should also be provided local departments

Staff salaries should be improved and standardized on the basis of qualifications, level of experience, and degree of responsibility required

The Department of Parole and Probation should limit probation service exclusively to adult offenders, leaving adoption studies, custody investigations, juvenile delinquency and similar matters to more appropriate public or private agencies

The Board of Parole and Probation

The Board consists of a Chairman, full time, and two members, each part time. The chairman is ex officio the Director of the Department, the service arm of the Board. The volume of parole hearings has grown steadily and, without any additional hearings as recommended in this report, is sufficient to warrant the attention of a full time three-member Board. The current Board members are all lawyers, and while law is one of the disciplines appropriate for representation on a parole board, a single discipline should not prevail. Social work, psychology, education, sociology, and related disciplines should be among those represented on the Board.

All three members should be full time, with a salary commensurate with a circuit court judge

The functions of the Board should be established as (1) the quasi-judicial function of hearing cases for parole release or revocation; and (2) the establishment of general policy governing the provision of parole and probation services

The Board should not have administrative or executive responsibility, and should not deal with specific procedural matters of parole and probation services

An advisory committee of jurists and citizens should be appointed by the Governor for overlapping terms to advise with the Board and the Director of the Department in the establishment of standards and policies. The committee should also assist in matters of cooperation between the Department and other public and voluntary agencies, and in interpreting the work and needs of the Board and Department to the public and fiscal bodies

Much more time should be devoted to individual parole hearings. An average of seven or eight minutes per case is inadequate

Initial parole hearings should be accorded all inmates of state correctional institutions shortly after reception, preferably in 90 days, but not later than six months

The Board should develop a system that will assure parole hearings for all persons committed to county jails and the Baltimore City jail for a term of six months or longer

Cooperation and communication between the Board and the Department of Correction on matters of mutual concern, such as the inadequate and undignified hearing rooms provided the Board at institutions, should be improved. To accomplish this, a procedure should be established, either by legislative action or by the Governor, whereby

the Board and Commissioner of Corrections will confer regularly every three months. Matters which cannot be resolved between them should be resolved by the Governor

The title, duties, and responsibilities of the current position of Executive Secretary should be reviewed and redefined in light of changes recommended in this report

Conditional Release

Society is given a degree of protection for a limited time when an offender is incarcerated. However, virtually every offender sent to an institution returns to society, either by the parole selection process, or at the expiration of his sentence. Our greatest hope for protection lies in effective rehabilitative programs in institutions, followed by continued rehabilitative and supervisory services provided after his release from confinement. Community-centered supervision and rehabilitation following release is built into the parole concept, but prisoners released at the expiration of their maximum sentence are free to conduct themselves as they see fit, with no help, guidance, or surveillance. Better than half the prisoners released from Maryland institutions are released at expiration of sentence and receive no follow-up supervision.

Maryland should establish, by statute, a conditional release procedure that will release prisoners under supervision who have not been selected for release on parole

The supervision of those given conditional release should be the responsibility of the Department of Parole and Probation.

CHAPTER I

SENTENCING AND PAROLE LAWS AND PRACTICES

PURPOSES OF A SENTENCE

The purposes of a sentence are twofold: public protection and the rehabilitation of the offender. Both are usually taken into account in each sentence, although where the danger to the public is great, as in the case of a violent offender who is likely to repeat, public protection (a commitment) will predominate, and where the danger to the public is relatively minor, for example, a defendant convicted of a relatively petty property crime, possibilities in suspended sentence and probation, or a fine without imprisonment, may readily be utilized.

To use a harsh sentence upon an offender in order to deter others is both unfair to the defendant and harmful to the sentencing and to the correctional system. As Professor Henry Weihofen has written in his book, The Urge to Punish, "In some instances, knowledge of a penalty may deter an individual tempted to violate a law; on the whole, however, the deterrent force of severe penalty alone for major crimes has been highly overrated and belief in its value is unrealistic. A stubborn reliance on deterrence results in making sentences increasingly severe, and excessively severe sentences produce deteriorating effects on

prisoners without corresponding benefits to society".

Maryland is one of the most advanced states in its use of diagnostic services and special facilities for dangerous offenders, in the statute setting up Patuxent Institution and the procedures for its use. However, its legal procedures have come into question in recent litigation, and it is suggested that both for clarification and simplification of its legal procedures, and for a more effective approach to the detection of dangerous offenders, consideration should be given to the plan set forth in the Model Sentencing Act, published by the NCCD in 1963.

The Patuxent statute is a special procedure following the sentence. By contrast, the Model Sentencing Act deals with all felony sentences, and considers dangerousness, and an appropriate sentence for dangerous offenders, at the time of sentence. With its pioneering work to its credit, Maryland's approach may well utilize the more recently drafted Model Act.

In the case of *Sas v. Maryland*, decided by the U. S. Court of Appeals in 1965, the Defective Delinquent Act, which established Patuxent Institution, was called into question on these counts: (1) whether the statutory definition of "defective delinquent" is sufficiently definitive; (2) whether the confrontation requirement of the Sixth Amendment is met by the statute; (3) whether the interpretation and application of the statutory requirement that a defective delinquent be found to

be an 'actual danger to society' may, within the Eighth Amendment's prohibition against cruel and unusual punishment, include those whose conduct indicates no more than a danger to property rights as distinguished from violence to the person". In these respects the Model Sentencing Act (1) offers a more definitive definition; (2) affords the right of confrontation (on the sentence hearing); and (3) limits its dangerous offender category to those guilty of violence against the person.

SENTENCING PRACTICES

At present, a presentence investigation is authorized but not required. Without the investigation, a judge sentences on "hunch" rather than information since most defendants plead guilty and the judge does not have the benefit (limited as it is) of studying him during a trial. The key role of the presentence investigation to provide the judge with the requisite information upon which to sentence is everywhere recognized, although the goal of a presentence investigation in every felony case is mandated in only a minority of jurisdictions. No precise data were available, but it was estimated that less than ten per cent of persons sentenced to institutions of the Department of Correction had presentence investigations by probation departments.

It is recommended that a presentence investigation be

required in all felony cases, and be discretionary, at the order of the judge, in other cases. Aside from the fact that a serious case (felony) should not be disposed of without information, if thought is to be given to the enactment of a statute based on the Model Sentencing Act, a presentence investigation in every case in which a defendant may be sentenced as a dangerous offender would be required.

In guiding the discretion in non-felony cases, one criterion would be to call for the investigation in any case in which the judge proposed to use a commitment. Another use of expanded probation department service is in connection with the large number of domestic relations cases, handled on which is referred to as "ladies day". Many of these cases are disposed of without a professional screening. Use of an intake service of the probation department for these cases would save many cases from court appearance, and should serve as a more effective counseling setting.

A court may within 90 days following commitment suspend judgment and grant probation. The practice is followed with some regularity by some judges, and not by others. Some judges base their suspension on a visit to the institution; in others a probation officer is asked to make a study. Besides the inherent disparity of sentencing involved, it would appear to be a practice of needless short commitments and, to some extent,

judges taking over the function of parole. Although the power is needed for the fairly unusual instance where new information after commitment may indicate a changed sentence, in general the practice can be greatly alleviated if presentence investigation were made mandatory as recommended. Some, at least, of these changes come about as the result of "post-commitment" investigations that should have been presentence investigations.

It is not unusual for the Department of Correction to be used by municipal courts for short term commitments. Municipal courts may sentence misdemeanor offenders to the prison system for up to three years. In some instances where consecutive sentences are imposed, a defendant may be sentenced by municipal courts for a considerably longer period, sometimes 10 years or more. This situation suggests several measures as needed:

(1) local courts should be limited in their sentencing power to terms not exceeding one year; (2) to limit the courts in this way can be done readily, but it should not be a mechanical approach, since some misdemeanors are serious and repeaters are involved. It is recommended that the structure of misdemeanor courts, their sentencing powers, the services available to them, and the definitions of misdemeanor offenses (as well as felonies that should be misdemeanors) be reviewed, probably by the Commission on the Revision of the Criminal Law; (3) the State Board of Parole and Probation should be charged with the

responsibility of setting up a system of parole, from local institutions (a recommendation also in the Standard Probation and Parole Act).

PROBATION SERVICE

The statute provides for the staff of the State Department of Parole and Probation to provide probation service for the circuit courts and some--but not all--other courts. The Board should be authorized to provide service to all courts throughout the state, including courts of limited jurisdiction.

One source of resistance to the universal use of presentence investigations in all felony cases is that many defendants might have to be detained in jail during the 10 days to a month needed for making the investigation. Detention solely for the purpose of the presentence investigation is not warranted, whether the presentence investigation is mandatory or not. At present, many of those held for the purpose of the investigation are later placed on probation, but damage has already been the result of the limited incarceration.

The solution to this problem is not to restrict presentence investigations, but to increase the use of release on recognizance, a program that has met with great success in New York City and other communities. In New York City the program of investigation prior to arraignment has been taken over from the Vera Foundation (a private agency) and is now operated by the probation department.

The same practice should be applied in Maryland.

PAROLE PRACTICE

Current law requires the Board of Parole and Probation to investigate a prisoner's suitability for parole after one-fourth period. However, the law does not restrict the Board from hearing cases earlier and exceptions are sometimes made. Until the law is changed, to provide for no minimum term of parole eligibility (as recommended by the Model Sentencing Act), it would be preferable for the Board to conduct its hearings earlier, shortly after reception, within the first six months, with possible exceptions for those prisoners not eligible for parole (murder in the first degree, repeated narcotics violators).

It should also be pointed out that such exclusions by offense are against standards, and against fairly common practice. Indeed, paroled murderers have an unusually low recidivism rate, not alone for repetition of a homicide, but for any offense. Another unwarranted restriction that adds a burden not only to the individuals but to the correctional system is the requirement of life term prisoners to serve 15 years before being eligible for parole. The Model Sentencing Act would treat such prisoners as others, with respect to parole eligibility--that is, no minimum term.

The requirement that the governor approve life term paroles is an archaic provision not needed for public protection. Formerly the governor's role in parole was substantial, but today the governor is rarely on a parole board or has any role in parole granting. These prisoners, like others, should be within the exclusive jurisdiction of the Board.

The present statute requires the state's attorney to transmit to the Board and institution a resumé of the facts in each case. Few, if any, such resúmes were observed in the sample of cases reviewed. Presumably the law is not being complied with consistently. However, it is preferable that neither the judge nor the prosecutor be called on for this kind of information as a regular requirement. The presentence investigation should contain a sufficient statement of the offense for sentencing purposes, as well as for parole consideration and the use of the institution. If the parole board needs additional information for its pre-hearing report, it should obtain it from any state official having it. A routine, mandatory requirement is not only an undue administrative burden, but it also improperly suggests that the prosecutor has a role in parole.

Prisoners earning good time and not released on parole are discharged without any form of supervision. A conditional release law would apply the principle of parole that the return of a prisoner to the community requires counseling and supervision. Such a law, as outlined in the Standard Probation and

Parole Act, and in use for many years by the federal system, would provide that the period of good time and work time earned would be served under supervision by parole staff.

Currently the large number of short term prisoners receive little real consideration for parole since sentences of 12 or 18 months, particularly after deduction of good time and work time, allow little time for parole supervision. When only a few months remain on such sentences, the Board tends not to parole. This situation again is one that supports the recommendation made above for the establishment, by the state Board, of a system of paroles from local institutions, and the limitation of sentence power of misdemeanor courts to terms not exceeding one year.

The parole law provides that on violation of parole, the parolee "shall be remanded to the institution from which he was paroled". To remand all parolees charged with a violation is needlessly expensive, and creates a presumption of guilt that is unfair to the parolee and burdensome on the Board. A better practice would be for the Board to designate appropriate detention facilities around the state, pending Board decision. This should be especially true where the charge is a technical violation, rather than a charge of a new crime.

The New York legislature has provided for a state detention facility for parolees, consisting of such institutions or parts

of existing institutions as the commissioner of correction may establish. (Ch. 650) The purpose of the act is to implement a plan of the parole board for a multi-purpose parole facility in (at first) two localities in the state, for residential treatment and detention. The plan visualizes holding hearings in the facility rather than returning violators to the prison. In addition to relieving overburdened jail facilities, the plan would allow greater flexibility in dealing with technical rules violators, avoiding returning them to prison.

Since the Board does now regularly hear cases in the local jails, it would be a simple matter for the procedures to call for a hearing locally on the question of violation and revocation. The Board should also have the power, at least in instances of technical violations, to avoid arrest of the parolee by giving notice of the time and place of hearing on the alleged violation.

Consideration for parole for a long time in many states has been perfunctory in its legal requirements, a situation which is rapidly changing. The Maryland practice is not as heedless of procedural requirements as some boards, but it falls short of practices that at least in some states are legally required, and might presently be required if litigated in Maryland. The Board informs a parolee that he is entitled to be represented by counsel, but if he is indigent he is not provided with counsel,

as he might be. Notice of the basis of the charge of violation is not given to the parolee in advance. He is thus unable to prepare properly to defend against it. No record is made of the proceedings other than the prisoner's waiver of counsel and the finding of violation by the Board. However, revocations of parole are reviewable in the courts, and it is very possible that a test of this procedure would invalidate the revocation, requiring a rehearing with notice and a record of the hearing. It is suggested that such procedures be adopted.

The present law authorizes termination of supervision of the parolee prior to the expiration of the maximum term. The provision is a desirable one, since it authorizes the Board to avoid waste of supervision time when it is no longer needed. However, the approach to these situations should be strengthened by a provision, such as appears in the Standard Probation and Parole Act and many states, authorizing a discharge from parole, as well as discontinuance of supervision, prior to the expiration of the term. Such discharge should (as in other states) have the effect of completely terminating the sentence so that the present law authorizing a revocation even after suspension of supervision would be discontinued.

THE BOARD AND DEPARTMENT OF PAROLE AND PROBATION

Maryland's statutes call for members of the Board of Parole and Probation to be appointed by the Governor for six-year

overlapping terms (Sec. 109, Art. 41) and that they "be of good character and qualified by temperament, training, and experience to perform the duties and responsibilities..." described in the law (Sec. 110, Art. 41).

It is recommended that Maryland adopt the system of merit selection of Board members set forth in the Standard Probation and Parole Act, as follows:

"...the members of the Board shall be appointed (by the Governor) from a list of nine persons whose names shall be submitted to the Governor by a panel of five persons constituted as follows: the chief justice of the supreme court, the president of the state conference of social work, the president of the state probation and parole officers' association, the president of the state bar association, and the president of the state prison association... The persons whose names are submitted by the panel to be selected with reference to their demonstrated knowledge and experience in correctional treatment or crime prevention... The Governor may not remove any member of the Board except for disability, inefficiency, neglect of duty, or malfeasance in office..."

Maryland statute further provides (Sec. 108, Art. 41) that the chairman of the Board shall be the Director (Administrator) of the Department of Parole and Probation. The Board is a quasi-judicial body and neither it nor its chairman should be

directly involved in administration. Until such time as an over-all state correctional agency is established, one which would include the field services of parole and probation, the administration of the Department of Parole and Probation should be the responsibility of a full time administrator appointed by the Board and responsible to the Board for carrying out its policies.

CHAPTER II

THE BOARD OF PAROLE AND PROBATION

INTRODUCTION

Only two or three per cent of our nation's prisoners die in prison or are executed, the remainder are released back into the community. Therefore, the question is not whether prisoners will be released, but when, and under what conditions. They can be released on parole, or under a conditional release law, and be under the supervision of a parole officer who will set limits for their activities and help them stay out of further trouble. The alternative is to hold them until they serve their full sentence (less time allowed for good behavior) and then release them with no supervision or control, and with no help to stay out of further trouble. All prisoners should be released under parole supervision prior to the maximum expiration of their sentences.

Parole Defined

Parole is a method of releasing a prisoner to the community by a parole board prior to the expiration of his sentence, subject to conditions imposed by the Board and to the supervision of a parole field service agency.

A parole granted by the Board does not release the inmate from custody, nor does it discharge or otherwise absolve him from

the consequences of his act. Neither does parole reduce the penalty imposed by a court.

Parole is granted in the best interests of the state, and is simply a method of providing for a prisoner to serve a portion of his sentence outside of the prison. The paroled prisoner continues to be in the custody of the parole authorities, both legally and physically, and is still under considerable restraint. The sentence is in full force and at any time he does not comply with the conditions imposed, to which he agreed at the time of his release, or does not otherwise conduct himself properly in accordance with the rules of parole and the laws of society, he may be returned to prison upon an order of the Board.

Selection for Parole

A parole board must take into consideration many factors in arriving at a decision to grant or deny parole. To arrive at such an important decision, the Board should have valid and competent diagnostic information on the individual, reports of significant behavior patterns, response to previous treatment efforts, adjustment while in the institution, and something concerning the solidity of his family and his plans for getting along after release. Further, the Board should have ample time to study this information and conduct a meaningful hearing in each individual case.

Paroling authorities are expected to evaluate the amount of progress made by each individual, assess the degree of risk involved in granting, or denying, parole, and to make a decision that has implications both for the safety of society and the welfare of the individual. While the behavioral sciences are far from exact, parole boards are not without tools to perform this task. Projective tests and prediction instruments can furnish rough guides. While there is always a calculated risk involved, the future adjustment of a person under parole supervision can be predicted in a high percentage of cases when the judgment of the board is supported by skillfully prepared social-psychological diagnostic studies, evaluations of institutional adjustment, and full information on release plans.

In some states only the best risks--those who need help and supervision the least--are released under parole supervision while those who need controls the most--the poorer risks--are held to the maximum expiration of sentence and are turned loose under no controls and with no help to keep them out of trouble. Such practice will build a good "success" record for the parole board and keep the press and the public from being critical, but it fails to complete the correctional tasks of the state and endangers the safety of the public. All released prisoners should have a period of control and

supervision.

PAROLE IN MARYLAND

The Board

(1) Composition of the Board

The Board of Parole and Probation was established by the legislature in 1953 (Chapter 625), to be composed of a chairman and two associates with the chairman of the Board designated as the Director of the Department of Parole and Probation.

The Board, at the time of this study, was composed of a chairman serving full time, and two associate members, each serving part time. The chairman, who is also the administrative head of the Department of Parole and Probation, receives a salary of \$15,000 per year, and each of the associate members receives \$7,500. These salaries have not been upgraded in several years and tend to depress the salaries for all positions under the Board resulting in a damaging turnover of good young people at beginning levels who can envision only limited prospects of a career with the Department.

All three members of the Board are members of the legal profession and former state attorneys. The selection of prisoners for parole requires the knowledge and experience of more than a single discipline, and while the legal profession should be represented on the Board, so should sociology, psychology, psychiatry, social work, or criminology.

The part time associate members are practicing attorneys and are finding it difficult to give the time demanded by the increasing heavy workload of the Board. They were given to understand, when appointed, that they would work no more than four or five days each month, but the workload has grown to where 7½ to 10 days a month are required just for travel and the conduct of hearings. This does not include the time consumed in studying cases at night and on weekends in preparation for hearings, nor does it include executive meetings and policy discussions which, of necessity, take place in motels when traveling, or through periodic telephone conferences. Frequently the associate members are not available when policy and administrative decisions are needed, leaving the chairman-director with this burden almost entirely.

While the chairman is the only full-time Board member, a major share of his time is devoted to the administration of the Department of Parole and Probation. The administration of the Department is a sufficiently large job to require the full-time services of an administrator. The current chairman is to be commended for developing the nucleus for a major Department of Parole and Probation while carrying responsibility for two distinct positions--one quasi-judicial and the other administrative.

The volume of Board work and that of the Department have grown to the point where Maryland can no longer function with (1) a part time Board, and (2) a part time Director of the Department. From the standpoint of sound administration, the State of Maryland should clearly delineate the quasi-judicial functions of the Board from the administrative operations of a large Department of Parole and Probation. The Board should have the full time services of three members for the paroling function and the establishment of policy for the Department. Further, the Department should be placed in the hands of a fully qualified administrator who would devote full time to this important task and would have full authority to administer the Department within the broad general policies set by the Board.

(2) Executive Meetings and Policy Determinations

The Board seldom meets in executive session for the determination of policy. The chairman may phone the associate members for clearance as to certain items or to inform them of his decision. Associate members do not have state offices or secretarial help provided by the state. Therefore, most matters--interviews, correspondence, etc.--are referred to the chairman.

Most policy discussions take place at a motel in the evening after a day of hearings and usually when the Board is

out of town overnight. There is no formal agenda and no record is made of these meetings. These evening meetings are required not only for policy discussion but also for discussion of cases and pardon matters.

Associate members may be called to attend budget hearings, or a state probation officers' meeting, but can only attend when their personal business permits. An example of the kind of problem this can lead to was their failure to attend an important policy meeting involving the highest state and correctional officials following the recent prison riot. As the two associate members were not present, they could not answer questions about important policy discussions and considerable confusion resulted.

The philosophy and policies of the Board have not been put in writing. This basic deficiency in administration leads to confused interpretations by field staff and institutional personnel and precludes the carrying out of Board policy.

The Board should devote essential time to establish and promulgate in writing policies governing Board and Department operations.

Extent of Use of Parole

It cannot be emphasized too often nor too strongly that all prisoners should, if they are to be released at all, go out under the supervision of, and with the aid and counsel of,

parole. While a man is in prison his basic needs are met for him and he lives in an atmosphere totally unrelated to life in the free community. Upon release, he moves from a setting in which he had no responsibilities, and only minor decisions to make, into one where he carries full responsibility for his own actions and must make many important decisions. This is an abrupt change, and his adjustment is further complicated by the prejudice against former convicts, the circumstances of his past situation, and all too often by the rejection or lukewarm reception by his family and former associates. Without the controls, supervision, and help afforded by an adequate parole service, the prospects of a return to criminal behavior are very great.

Table I, compiled from figures contained in the Annual Report of the Maryland Department of Correction, Fiscal Year 1966, reveals a very limited use of parole as a method of release from prison.

TABLE I.

Groupings of Method of Release from Maryland Prisons Fiscal Year 1965-66							
Number	<u>TOTAL</u>	By Expira- <u>tion</u>	By Court <u>Orders</u>	Trans- fers <u>Out*</u>	Escape or <u>Death</u>	By Commu- <u>tation</u>	<u>Paroled</u>
	5,036	2,716	737	215	225	97	1,096
Per Cent	100	53.4	14.4	4.2	4.4	1.9	21.5

*These are transfers to institutions not under the Maryland Department of Correction--107 to the Patuxent Institution and 108 to mental hospitals

The limited use of parole reflected in the above table is not necessarily an indictment of the paroling authority; but it does indicate a need for some basic changes in the laws limiting the use of parole, and some changes in practices concerning the confinement and release of short-term prisoners within the State's correctional institutions. Later in this chapter the performance record (see page 25) of the Board of Parole and Probation is discussed.

(1) Legislative Restrictions upon Parole

The Board of Parole and Probation has complete and exclusive authority to grant and revoke paroles, with the following exceptions: (a) All prisoners serving life sentences must serve a minimum of fifteen years and cannot be released on parole without the concurrence of the Governor; (b) Parole may not be granted to those convicted two or more times for violation of the Narcotic Drug Act until the statutory minimum term has been served; and (c) Parole may not be granted to those convicted and committed as Defective Delinquents.*

Legislation in 1961 (Art. 41, Sec. 124) directed the Board of Parole and Probation to consider for parole all prisoners when they have served one-fourth of their sentence. The

*Defective Delinquents are under the jurisdiction of the Patuxent Institution which is not under the jurisdiction of the Board of Parole and Probation. Parole from Patuxent is a function of that institution. (See Chapter IV of this study.)

exact wording of this portion of the law is quoted below:

"(a) Investigations--it shall be the duty of the Board of Parole and Probation of its own initiative to cause to be made such investigation as may enable it to determine the advisability of granting parole to persons sentenced under the laws of this state, to any penal institution therein whenever such prisoner shall have served in confinement one-fourth of such term or consecutive term".

The above portion of the law is unquestionably a mandate to the Board of Parole and Probation to consider all prisoners for parole not later than one-fourth of their sentence. It may also be interpreted as fixing the minimum amount of the sentence to be served before parole may be granted. The practice of the Board of Parole and Probation, however, is to automatically schedule parole hearings one month in advance of the one-fourth date. The effect of the law is to peg parole eligibility at one-fourth of the sentence. Prisoners with long sentences, however, are scheduled for hearings at the end of five years or at one-fourth of the sentence, whichever occurs sooner.

Regardless of the interpretation given this section of the law (paragraph a, Sect. 124), the law itself is ambiguous. It should be revised to conform to the standard of no minimum term for parole eligibility. The law should also require that a prisoner must be heard for parole consideration not later than the completion of one-fourth of the term or one year, whichever is sooner.

(2) Short-term Prisoners

State correctional institutions in Maryland receive many short-term prisoners who, in most other states, are confined in local jails or penitentiaries. The following table was compiled from the 1965-66 Annual Report of the Department of Correction, and discloses that 40% of the admissions to state correctional institutions are for terms of one year or less. This percentage remains essentially the same when the average is taken over the past five years.

TABLE II

Groupings of Length of Sentences
of Persons Committed to Maryland
Correctional Institutions
Fiscal Year 1965-1966

	TOTAL	13 Mos. and Longer	One year or less			
			3 Total	4-6 Months	7 mos.- 1 year	
Number	4628	2762	1866	130	937	799
Per Cent	100	59.9	40.1	6.9	50.2	42.8

According to National Prisoner Statistics, published by the United States Department of Justice, Bureau of Prisons, Maryland has the third highest rate of prisoners per 100,000 of general population (Bulletin 40, 1966)*. In view of the many short-term prisoners indicated above, it is not surprising that Maryland has 157.3 state prisoners per 100,000 of general

*Only Georgia with a rate of 174.5 and the District of Columbia with 203.6 are higher.

population when other states without these short-term prisoners have far fewer. For example, New York has only 96.9, Illinois 78.4, Michigan 88.5, Pennsylvania 61.5, and New Jersey 71.8

Maryland's "rate" is much better when the 40% of commitments for one year or less are discounted. Even then, however, 28 states would have a much more favorable rate, and 21 would be higher.

(3) Performance Record of the Board

One important factor contributing to Maryland's high rate of prisoners is the limited use of parole to release men from prisons. The performance record of the Board of Parole and Probation over the five-year period 1960-64 shows that paroles are granted to an average of 39% of those who are given parole hearings. The following table sets forth the dispositions made by the Board for each of these years.

TABLE III

Maryland Board of Parole
and Probation
Fiscal Years 1960, 61, 62, 63 and 64

Year	Total Parole Hearings	Parole Granted		Parole Not Granted		
		No.	% of total	Total	Refused	Rehearing Set
1960	2714	1226	45.1	1488	1064	424
1961	3052	1251	40.9	1801	1385	416
1962	3560	1161	32.6	2399	1530	369
1963	2873	1203	41.8	1670	1025	645
1964	3083	1131	36.6	1952	1375	577
Aver- age	3055	1194	39.0	1862	1276	586

The above table discloses that, on the average, nearly 600 cases a year are temporarily refused parole and a "rehearing set" for a future time. Data were not available in usable form to permit an analysis of the Board's practices in holding cases over for a rehearing. It was reported to the study staff, however, that lengthy "hold over" periods were quite common in some cases but records were not kept on the length of time between first, second or subsequent hearings. This is reported on here to urge that data on this aspect of the Board's work be compiled to determine if this was one of the factors contributing to the recent inmate riots. It has been identified as an important factor in minor disturbances as well as riots in other states. A man with a sentence of 20 years would have to wait five years in Maryland before the Board would have to give him a hearing at one-fourth his term. If he is denied at first hearing and held over another five years before given a rehearing, his resentment would be somewhat understandable.

The fact that the Board grants parole to about 40% of those given a hearing does not, of course, mean that paroles constitute 40% of those released from prison in Maryland. Earlier Table I (page 21) indicated that only about 21% of all releases were by parole. Not all prisoners are given a hearing by the Board--some are ineligible under the law, some are transferred to institutions not under the Board's

jurisdiction, some are released by courts, and a sizable number are short-term prisoners for whom the Board has not felt a hearing is practical. Recently, however, the Board has been holding hearings for persons committed for less than one year, a commendable practice which should be accelerated.

The parole granting record of the Board looks somewhat more favorable when the commitments of one year or less are excluded from the calculations. The table below compares the action of the Board with only 60% of the total releases for each of five years. This brings the average use of parole up to 44% of those released by expiration of sentence and parole, excluding releases by court order, commutation, death, etc.

TABLE IV

Computed Release of Persons Sentenced to
1 year or more from Maryland's correctional
Institutions, by expiration and by parole,
1962-1965*

Year (Fiscal)	Total Released (Calculated)	Released by Parole		Released by Expiration	
		No.	%	No.	%
1966	2,347	1,196	50.9	1,151	49.1
1965	2,279	933	43.1	1,296	56.9
1964	2,242	1,053	47.0	1,189	53.0
1963	2,450	1,012	41.3	1,438	58.7
1962	2,349	998	42.4	1,351	57.6
Average	2,333	1,028	44.0	1,305	56.0

*Figures appearing in the "Total Release" and "Released by Expiration" columns were calculated by taking 60% of the release figures reported in Maryland Department of Correction's Annual Reports, and represent the estimated number released from sentence of 1 year or longer. The "Released by Parole" figures are as reported in these annual reports.

Although the above table is subject to error in the estimate of releases from sentences of one year or longer, the error is most likely to be favorable to Maryland in comparing its use of parole with other states. A minor difficulty in making such a comparison lies in the fact that "parole" per se is not reported in the National Prisoner Statistics bulletins. This source reports releases as "Conditional" (parole and other methods of release involving some condition or control), and "unconditional" (releases with no strings and no supervision, as at expiration of sentence).

With these reservations and explanations in mind, the following table is interpreted to mean that Maryland is decidedly behind several states in its use of parole for the release of state prisoners, even when allowances are made for the short-term commitments which are not received in the correctional institutions operated by other states.

TABLE V

Maryland compared with Selected other States
and the National Average in the use of Parole

Location	Total Releases	1965*		Unconditional Re- leases (expiration) Number	% Total
		Conditional Re- leases (parole) Number	% Total		
National	91,287	59,348	65.0	31,939	35.0
Maryland	2,279	983	43.1	1,296	56.9
Wisconsin	1,986	1,810	91.1	176	8.9
New York	3,335	6,361	86.7	974	13.3
Michigan	4,483	3,865	86.2	618	13.8
Pennsylvania	2,977	2,490	83.6	487	16.4
New Jersey	2,659	2,189	82.3	470	17.7
Illinois	3,682	2,573	69.9	1,109	30.1
Georgia	3,179	1,797	56.5	1,382	43.5

*All figures except those for Maryland were taken from Table II,
Bulletin 40, November 1966, National Prisoner Statistics

If Maryland were actually releasing 43.1% of its prisoners on parole, there would still be only 14 states with a lower use of parole. These states are listed below with their per cent of "conditional" releases taken from the same source used in the above table: Virginia 42.6%, Tennessee 41.9%, Alabama 41.0%, Oregon 35.4%, Mississippi 34.9%, Missouri 33.4%, Texas 39.9%, Florida 38.9%, South Dakota 37.7%, North Carolina 37.6%, Nebraska 20.1%, Oklahoma 17.7%, Wyoming 10.5%, South Carolina 9.4%.

The Board at Work

(1) The Board Hearing Facilities

All hearing rooms were visited and in some instances a member of the study staff actually sat with the Board and observed interviews. In one instance a study staff member questioned several of the inmates appearing for parole consideration.

The Board rooms in each institution were poorly located, furnished with old and decrepit furniture, generally noisy, and one was unclean. At each institution the Board must go through several locked gates and pass by many inmates standing in corridors. At Jessup flies constantly annoyed the Board, inmates, and everyone else throughout the hearings. Also, the hearings were further disrupted by ringing telephones, people entering and leaving the room and by private conversations taking place while an inmate was being interviewed for parole. The pressure on the Board "to get through the docket" was noticeable. (It is reported, since the field work of the study, that these conditions are being improved.)

The parole consideration hearing is probably as important to the prisoner and that of his family as any period in his life, for this is liberation day if he passes.

Parole Board hearing rooms should have all of the dignity of a court room in a court of general jurisdiction. Those observed during this study were a far cry from this.

(2) Scheduling Hearings

Cases to be heard by the Board are scheduled by the Board's executive secretary. A list of those to be heard on a given date is sent to the institution where the hearings are scheduled, and it is the responsibility of institutional personnel to arrange for the prisoners to be present for the hearing. During this study a mix-up occurred at the House of Correction where, through an error, two men were not notified by the institutional personnel of their Board appearance and were not brought in from camp. They were routinely put over until the following time that the Board would be holding hearings at this institution.

The system of scheduling hearings should be formalized and more closely controlled. Errors in appearance can be costly in terms of human suffering, prisoner unrest, and in terms of tax dollars when the state has to feed and house a man a month or two beyond when he may have been released on parole.

(3) Preparation for Hearings

In addition to their travel and hearing time, each Board member is expected to devote several hours during evenings and weekends to read from sixteen to forty cases a week on which they are to be prepared in advance for Board interviews. A week or more in advance of a given hearing each member

receives 1/3 of the case records to read in preparation for the hearing.

The case material available to the Board members to assist them in their preparation for the hearing usually consists of an intake or admission summary, a pre-parole report prepared by institutional staff not responsible to the Board, correspondence, psychological or psychiatric reports, and reports from other institutions or agencies (when in the record). In only about 10% of the cases is there a presentence report made by the court at the time of sentence.

The information furnished to the Board is, on the average, insufficient for adequate preparation for, or the conduct of, a hearing. It is poorly prepared, unsubstantiated, and gives little insight into the problems of the inmate under consideration. Seldom is a field investigation made which should provide the Board with an assessment of the attitudes, strengths, and weaknesses of the family and home, as well as an evaluation of community attitudes and environmental factors of significance to the success or failure of the inmate on parole. The pre-parole report is largely institution-oriented and is compiled by classification officers of the institution with the responsibility of providing counsel and help to over 300 inmates each. As a result, classification officers devote little time to interviewing inmates for parole

board purposes.

(4) The Board Hearing

Present at most hearings are the three Board members, the Board's executive secretary, an institution classification officer, and the inmate. On occasion the Board permits special guests such as public officials, attorneys, ministers, etc. The warden, or superintendent, was reported to seldom attend hearings of the Board, or if in attendance, spent only a few moments or "dropped in" occasionally.

An inmate is called through means of a buzzer and is invited to be seated at a table. The member who has previously reviewed the case record conducts the interview. Interviews are brief, concise, and sometimes much in the nature of an interrogation. At the conclusion of the interview the man is asked to step outside into the corridor while the Board discusses his case. Following a brief discussion, he is asked to return, and he is informed by the Chairman of the Board's decision--a good practice. The entire process usually lasts from three to eight minutes, far too little time for this important event in a man's life.

A penned notation is made on a pink slip of paper by each member who signs or initials his notation and this becomes the official order of the Board. The executive secretary notes the decision on his list, and the institution

classification officer makes a note upon the institution list. On occasion special instructions are given an inmate. He is then furnished a form and told, for instance, that he must have a firm employment offer and residence prior to release. If released out of state, he must supply a bond in case it is necessary to return him to the state of Maryland. When a parole is granted, the matter is referred to the field staff for verification of the employment and residence plan.

(5) Volume of Parole Hearings

The Board normally and routinely conducts hearings at the institutions as follows:

Maryland Penitentiary	1 day each month
House of Correction	3 days each month
Women's Institution	$\frac{1}{2}$ day each month
Maryland Correctional Inst.	3 days each month
TOTAL	$7\frac{1}{2}$ days each month

There has been an increase in the demands upon the Board for additional parole hearings. This was accelerated by the legislative requirement that the Board hear cases after no more than one-fourth of the sentence had been served, and by a recent change in Board practice to hear persons committed for less than one year. Previously such short term commitments were not granted a hearing by the Board.

The following information, taken from the 1964 Annual Report

of the Board, shows the fluctuating but increased hearing load of the Board for the five-year period 1960 through 1964.

<u>Year</u>	<u>Number of Parole Hearings</u>
1960	2,714
1961	3,052
1962	3,560
1963	2,868
1964	3,078

The Board is to be commended for hearing the shorter sentence cases because many of these people can profit from supervised release and pose no threat or danger to the public. Such release also results in significant savings in tax dollars.

In addition to hearing the cases of all persons committed to the state institutions, the Board also has legal jurisdiction to give parole hearings to all inmates sentenced to the county jail for a year or over. One Board member, usually the chairman, is notified of such cases and following a pre-hearing investigation, conducts a hearing in the local jail. The case is then reviewed with a member and a decision reached. From July 1, 1965 through June 30, 1966, 16 jail cases were heard; 7 were approved for parole and 9 were refused. Six of the 16 cases were in the Baltimore City jail, five in the Baltimore County jail, and one each in the jails of Garrett, Montgomery,

Washington, Carroll, and Ann Arundel counties.

There are no statewide records to indicate whether the above 16 are the total number of cases committed to jail for a year or more in the state. The Board of Parole and Probation should maintain such records on jail commitments of a year or more and establish a system for hearing all such cases.

It was not possible to analyze this local jail parole program in the limited time provided for the study. However, a comprehensive analysis should be instituted encompassing total cases throughout the state falling in this category, commitment data, time served by offense groups, and hearing disposition data. These cases provide a fertile ground for experimentation and research.

CHAPTER III

ADULT PROBATION AND PAROLE SERVICES

INTRODUCTION

It is difficult to dispute the responsibility of state government to provide institutional care for committed offenders, and likewise to provide parole services to persons selected for release on parole. Probation services, on the other hand, have largely been viewed as a local responsibility, and particularly the responsibility of the judiciary at this level.

Probation and parole are similar services dealing with essentially the same kinds of people and problems, requiring the same qualifications for staff, utilizing similar methods, and involving the same functions of investigation and supervision of offenders. Maryland has a good basic legal foundation for combining these two field services in one state agency, but probation services in the State are fragmented, unevenly developed, and lacking uniformity in scope of services, methods of operation, and standards of personnel and performance.

The concept of the field of corrections as a continuum of services, with probation, institutionalization, and parole integrated into a single state-operated system is gaining increasing support across the country. This type structure offers considerable promise for creating uniformity, coordination and

cohesion as essential elements of a sound, efficient, and effective rehabilitative program. The accomplishment of such an integrated correctional program in Maryland should be a goal for the not-too-distant future. In the meantime, integration of all adult probation and parole services in one state agency serving the entire State should be the initial goal to be accomplished on a priority basis.

Definition of Terms

In Chapter II of this report parole was defined as a method of releasing an offender from prison prior to completion of his maximum sentence under a period of supervision in the community. Probation, on the other hand, is a legal status created by court order following adjudication for a violation of law, whereby the person is permitted to remain in the community in lieu of incarceration and under supervision of a probation agency.

The above brief definitions identify probation and parole as methods of disposition by appropriate authority--the court for placing persons on probation, the parole board for releasing persons from prison. Each of these terms, however, may also be defined as a process.

In both probation and parole, the process is essentially the same, and involves (1) conducting a pre-disposition social investigation, and (2) exercising control, supervision, and guidance of the offender during a trial period within the

community.

(1) Pre-disposition Investigations

In probation a social investigation is called a "pre-sentence investigation"; in parole it is called a "pre-parole investigation". In order for the court or parole board to make intelligent decisions for the appropriate disposition of offenders, it is necessary that a thorough social study and diagnosis be made by qualified and competent staff trained in the behavioral sciences.

The role of the officer conducting the presentence or pre-parole investigation is to provide the judge or the parole board with a concise and accurate evaluation of the offender, based upon a study of his family background, his personality and behavior patterns, his attitudes and relationships, as well as the environmental factors of significance in the community. Psychiatric and psychological evaluations, where indicated, should be secured and incorporated in the pre-disposition investigation report.

(2) Probation and Parole Supervision

The supervision of persons on probation or parole means more than merely "keeping track" of the probationer or parolee. While surveillance of the individual is part of the job of supervision, it is, or should be, only a small part. The main focus of supervision is the guidance and counseling provided

by the Probation-Parole Officer in an effort to reclaim the offender as a self-reliant, self-supporting, productive, and law-abiding citizen in the free community.

Since probation and parole are each a "period of trial", conditions surround their permission to remain in the community. These conditions should be based upon the treatment needs of the individual and the safety requirements of the community. Thus, another part of the supervision job is to see that the conditions are met, and that appropriate action is taken when conditions are violated, or are alleged to have been violated.

ORGANIZATION AND STRUCTURE

Statewide Structure

Probation and parole services in Maryland are not welded together into anything resembling a state system. There are, in fact, four separate probation agencies--one state and three local, and two separate state parole agencies--all operating independently of one another, with no uniform standards set or enforced statewide. All of these agencies provide services to adult offenders. In addition, juvenile probation services are provided by still other separate and independent agencies. Most of the probation service for adult offenders is provided by the State Department of Parole and Probation--the agency that provides most of the parole service to adult offenders in the State. Some probation service for adult offenders is also provided by

the Baltimore County Probation Department and Montgomery County People's Court Probation Department. Also, a small amount of parole service limited exclusively to defective delinquents is provided by staff of the Patuxent Institution.

These fragmented, uncoordinated probation and parole services for adult offenders are costly, inefficient, and tend to duplicate records systems, administration, personnel, office space and equipment. A single statewide integrated probation and parole service, executed by one agency, would be vastly more efficient, effective, and economical. In addition, uniform standards of personnel, performance, and records could be established with resulting improvement in the quality of service and provide a means for pinpointing accountability for the proper functioning of the system.

Preferably all probation and parole services for adult offenders should be provided directly by an agency of state government that also has responsibility for operating correctional institutions, as well as residential and non-residential programs in the community. Until such time as this broad correctional agency may be established, Maryland should devote its efforts to provide for a statewide integrated adult probation and parole service that is uniformly available in all jurisdictions.

An initial step toward unifying adult probation services

can be taken by fixing responsibility with the Board of Parole and Probation, to establish statewide probation and parole standards applicable to all agencies providing such services. Along with the responsibility to fix standards should go authority to enforce them. In addition, state funds for grants-in-aid to local probation departments are needed to help them to attain the standards and improve the quality of services rendered.

Departmental Organization

1. The State Department of Parole and Probation: This is the largest of those agencies servicing adult offenders. It is organized on a district basis and consists of a central office and seven district offices. A district office may have more than one branch office, as follows:

- (a) District Offices--Baltimore City, Bel Air, Easton, Ellicott City, Hagerstown, Rockville, Upper Marlboro
- (b) Branch Offices--Cambridge, Centreville, Chestertown, Cumberland, Denton, Elkton, Ferndale, Frederick, Hyattsville, La Plata, Leonardtown, Prince Frederick, Salisbury, Westminster, and Annapolis

The central administrative office, as well as the Baltimore District Office, are located in the State Office Building in Baltimore City. In this agency, probation and parole services are combined and they may be performed for both juveniles and

adults, from the district and branch offices identified above.

2. The Supreme Bench Probation Department: This department is located in the court house, which also houses the various parts of the Supreme Bench in Baltimore City. It has no district or branch offices and provides probation services only for adult offenders appearing before the Supreme Bench in Baltimore City. Juvenile probation services are performed for the Supreme Bench by a separate probation agency also located in the same building. Organizationally, this department is divided into three divisions--criminal, family or domestic relations, and collection or fiscal.

3. The Baltimore County Probation Department: This department is located in the court house at Towson, and it has no district or branch offices. The department provides probation services for both juveniles and adults, in Baltimore County. Organizationally, it is also divided into three divisions--adult criminal, juvenile and collection or fiscal.

4. The Montgomery County People's Court Probation Department: This small 2-man department has no central administrative office; however, it does maintain an office in Bethesda and another in Silver Spring, to provide services for adult offenders appearing before the People's Court--a court of limited criminal jurisdiction.

5. The Patuxent Institution: This institution, created by special statute for the custody and treatment of defective delinquents, is located at Jessup. It is independent of the State Department of Correction and also administers its own post-release or parole service. Organizationally, the parole service is one of several divisions within the institution; however, the institution does maintain a community based after-care facility in Baltimore City, from which parole staff may provide counseling and other services in a team approach with other institutional personnel.

Physical Facilities

In many jurisdictions, including some districts and branch offices of the State Department of Parole and Probation, offices of the Baltimore Supreme Bench Probation Department, and the Baltimore County Probation Department, physical quarters for both professional and clerical staff, and for others visiting or reporting to the agencies, were found to be seriously inadequate.

For example, the district office of the State Department of Parole and Probation is located in the state office building adjacent to the central administrative office and is critically in need of attention. It is expected to house supervisory field staff and clerical persons (total assigned positions is 81) serving the Baltimore district and is so short on space that staff must share desks. Partly because of the heavy

workload but also because of inadequate desk space, many officers come in on weekends and holidays so that they can have a desk at which to work. Reception and work floor areas are so limited that the place was observed to be in chaos on a Monday morning when scores of probationers, parolees, and others entered the premises.

Not only is the present space in the Baltimore district office inadequate for present needs, the possibilities for expanding these facilities are highly questionable. Further, the size of the workload plus the geographic area served gives strong evidence of the need to decentralize this office and bring the agency services closer to those using them. As it stands now, this is the only office available to service all of Baltimore City.

The administration has recognized the need for additional office space but little progress has been made to date. The tension in such an atmosphere of confusion and noise is conducive to disrespect from the clients and frustration on the part of the staff. Anything short of dignified offices with sufficient space and provision for privacy in interviews is false economy and can compound the problem of recruiting and holding a qualified staff.

Quarters for offices of the State Department of Parole and Probation outside Baltimore are usually located in court

houses or county buildings. Many of these buildings are old and were not designed for modern office practices. They are especially inadequate as housing for professional and clerical staff of a probation-parole agency. Although several district offices were newly refurbished, none was adequately arranged. In one location, the several staff members were housed in one room with no reception area and no privacy for interviews, unless the other staff left the room. In another location, new facilities were being developed and one large room to accommodate five officers was to be divided into individual rooms with partitions. Here no plans were made for a reception and waiting area and clients and families will have only the hallway in which to sit.

Another example of inadequate office space was found in the Baltimore Supreme Bench Probation Department, where quarters were still inadequate even though there had been some recent improvement. Many probation staff did not have individual offices, where individuals could be interviewed in private. Stenographic and clerical staff were so situated that efficiency was impaired, and waiting rooms were either too small or located in corridors and lacking in dignity.

A third example of inadequate office space is the Baltimore County Probation Department, where quarters were recently refurbished. Even though probation staff have small

partitioned offices, interviews must be held almost in a whisper to prevent other persons in adjoining offices from overhearing the conversation. Also, it was reported that both the reception and interview quarters become overcrowded and inadequate on Saturday morning, when many probationers report.

It goes without saying that such conditions as described above not only create a bad public image of the agency, but they also obstruct the rendition of an efficient, effective service and undercut the morale of staff.

Obviously, more space must be found for these agencies that are involved in direct service to the public. As mentioned earlier, the Baltimore City District Office of the State Department of Parole and Probation should be moved out of the state office building and might best be decentralized to bring the service closer to the people and community it serves. Where adequate space in other jurisdictions is not available for these rapidly expanding services, quarters should be rented or purchased outside of court houses, etc. to permit these services to be executed in an atmosphere of dignity and under conditions conducive to efficiency and effectiveness.

Administration

In common with other governmental functions, probation and parole agencies and services need to be conducted on

sound administrative principles. The growth in numbers of personnel, the establishment of large offices, the flow of a large volume of business, require the application of sound practices of administration. The principles and practices of good administration are common to all governmental and business operations and would differ only in the degree and intensity of their application to meet the needs of each agency.

In Maryland, a number of administrative defects and weaknesses were found to exist: The following are examples:

1. Administrative Organization

- (a) The State Department of Parole and Probation does not have the benefit of a full time administrator. This is because the Director doubles as Chairman of the Board of Parole, and spends from 50% to 75% of his time dealing with matters directly related to his paroling responsibilities. The result is a department with nearly 200 professional and clerical employees which is, for all practical purposes, without an administrator most of the time. It is especially important that the department is placed under the direction of a full time, highly qualified administrator before any expansion of service is attempted.

The department, under its present leadership and

direction, has attempted to provide service in a wide variety of areas. These range from adoptions, child custody and divorce matters, to regular probation and parole services for adult criminal offenders in need of intensive and highly professional social casework assistance. Probation services to children adjudicated delinquents by juvenile courts in several localities of the State are also included in the range of services provided by this department.

The State's Department of Public Welfare and the newly created State Department of Juvenile Services should take over those functions appropriate to them, and the State Department of Parole and Probation should limit its services to adult offenders only.

(b) In the Baltimore County Probation Department, which has a full time Director, one of the three major divisions--the adult criminal division--is the responsibility of a deputy director, while the collection division and the juvenile division are headed by a supervisor. All three of these positions were created in July of 1966, a move well calculated to produce improvement in the administration. At the time of this study (October 1966), the full benefit of these new positions had not yet been realized and there is need

for a comprehensive realignment of departmental duties and responsibilities. For example, the deputy director in charge of the criminal division is reported to be primarily involved in adoption investigations and maintains a limited law practice on the side. The supervisor of this division maintains the highest caseload in the department. Each of these positions requires the full time of qualified staff for the middle management function and neither should carry a caseload of probationers.

(c) The 2-man staff of the Montgomery County People's Court Probation Department receive no administrative supervision. Presumably they are accountable for their probation casework functions only to the appointing authority--in this case, the local judges.

It was reported that efforts were made to obtain legislation that would enable the Department of Parole and Probation to provide probation services to this court. The legislation did not receive favorable action and, therefore, the court established its own department. It is recommended that the necessary probation services to this court become a responsibility of the Maryland Department of Parole and Probation.

(d) The Supreme Bench Probation Department does not include within its administrative structure the domestic relations division of the court--this division is organized separately.

A study of this structure and operation reveals the lack of any effective pre-court intake or screening procedure, for the thousands of domestic cases involving support collections that are processed through the court and are referred to family service division of the probation department, for enforcement of support orders. Under present procedure, cases involving a petition for support of dependents must first be accorded a court hearing. After the court has made a finding in behalf of the petitioner, it may and usually does make a concomitant order requiring a specified amount of support to be paid through the probation department. Thus, it is only after an order is made that the probation agency becomes involved--primarily to secure compliance.

Such administrative procedure raises legitimate questions regarding the validity of the order, the degree to which it may be enforceable, whether the direct and immediate intervention of the court is required to force settlements in every case and whether or not the

use of such authority results in a further deterioration of personal relationships. Finally, the question could be raised as to why a combination of initial screening and subsequent efforts by the probation department to effect satisfactory voluntary adjustment during a pre-court hearing period could not achieve desired results. This procedure is being followed with considerable success in many states. Consideration of such a procedure in Maryland recommends itself to the judiciary.

(2) Channels of Communication

In the State Department of Parole and Probation the direct line of administration is from the Director to the District Supervisors, to the field agents. However, in many instances regular administrative channels are bypassed, and while top administration acknowledged the need for appropriately channeled communication, staff expressed concern about the correct channeling of instructions and orders.

A departmental manual, long outdated, has been in the process of revision for several years. A number of chapters have been revised, but have been awaiting approval from top administration for several months. Staff meetings of administrators are infrequent and there is a serious lack in the delegation of authority and responsibility to subordinates.

Field staff expressed a major concern that policies were not in written form, that directives and instructions were issued on isolated problems with apparent lack of understanding on the part of administration concerning their practicality, and that staff did not have adequate participation in problem solving and policy determination through staff meetings, special staff committees, or through the training program. These concerns were particularly prevalent in the Baltimore City District Office where, reportedly, the result was low staff morale and extensive staff turnover. District Supervisors and other staff in the outlying district offices, while concerned with these matters, were sufficiently removed from the central office as to be relieved of some of the pressures felt by the Baltimore District Office.

In the Baltimore Supreme Bench Probation Department, the following complaints about communications were frequently repeated by lower echelon employees who were interviewed during the study:

1. Lack of frequent and appropriate written communication from administration, to keep them adequately informed about the department
2. Infrequency of staff meeting at all levels of the operation

3. Lack of opportunity for informal contacts with the judiciary, to foster more positive relationships and greater understanding
4. Feeling of not being an important part of the organization, because of not being consulted by superiors about matters on which they felt reasonably knowledgeable.

Regardless of the degree to which the above complaints are real or imaginary, the means must be found to deal with these problems and attitudes. Good channels of communication, including frequent and written directives, departmental news sheet, regularly scheduled staff meetings and occasional informal contacts with the judiciary can go a long way toward resolving these problems.

In the Baltimore County Probation Department formal staff conferences and training sessions are needed as vital tools in the establishment and dissemination of policy and procedural matters. It is recommended that such programs be developed on a priority basis. It is further recommended that supervisors hold regular training sessions for their units and establish weekly supervisory conferences with each of their officers. The psychiatrist and psychologist, as well as outside training resources, should participate actively in staff training, primarily by talking with other

officers, observing court hearings, and reviewing previously written investigations and case records.

(3) Budgeting

A major problem area in the administration of all of the state's probation and parole services has to do with the budgeting procedures. Extensive demands for probation and parole service have brought about unprecedented requests--fiscal control agencies always tend to scrutinize new or additional requests as suspect. At the same time, the courts and probation-parole agencies have need for essential services. Statistical compilations of probationers and parolees under supervision, as well as investigations that are completed, are too often viewed with disdain.

Probation administration must be able to sit down in concert with budget officers and reach agreement as to what and how work loads should be counted. In order to realistically provide for adequate service, there must be constant and critical review of work loads, policies, procedures, and practices. It should also be kept in mind that the daily cost of care for food, housing, and the custody for a few prisoners would pay for many probation and parole officers. Our study, a sample of cases, and a review of the crimes committed would surely indicate that several hundred prisoners could be released without serious threat or danger to the State of Maryland. A large number of

parole cases, other than those who require supervision and control, should be reviewed, and referred to the Board for termination. An "intake program" should be established for all courts of the State and a selection made of probation cases. Cases under order only to pay should receive specialized handling and should only be placed under probation supervision where absolutely necessary.

Key probation-parole staff should be permitted to work directly with budgetary authorities for the purposes of securing appropriate information and achieving mutual agreement. Realistic workload standards should be established and serve as a base for discussions. Some states have achieved an acceptable casework formula to avoid the annual highly emotional, debilitating budget sessions. When positions are established, there should be included by formula, the necessary "tools" for the job, i.e., a desk, dictating equipment, secretarial assistance, etc. Finally, positions granted in the budget, but not filled during the fiscal year, should not be withdrawn or challenged at the close of that year and then require re-justification.

(4) Morale

Morale in Maryland's several adult probation and parole agencies was generally below par. This situation is due to a number of conditions, some apparently real, others imaginary, as they were repeatedly expressed by staff.

- (a) Inadequate salaries and/or advancement opportunities
- (b) Lack of recognition, respect, trust, and low status-professionally
- (c) Excessive workloads
- (d) Intolerable working conditions, inadequate quarters, insufficient equipment
- (e) Lack of appropriate communications
- (f) Insufficient on-the-job training
- (g) Infrequency of staff meeting
- (h) Failure in delegation of responsibility and authority
- (i) Lack of informal contacts with the judiciary
- (j) Inadequate staff--both professional and clerical
- (k) No encouragement, incentives or rewards for advanced academic training
- (l) Too much emphasis on meeting deadlines, going through the mechanics of the job rather than on meaningful rehabilitation
- (m) Insufficiency of community resources
- (n) Lack of research to evaluate work being done
- (o) Inadequate budget appropriations
- (p) Insufficient fringe benefits

Occurrence of an incident of the type described below, even though lacking in universality, further highlight morale problems:

In the State Department of Parole and Probation, a tendency on the part of administration to work employees out of position has caused concern.

Staff morale was reportedly affected when the department

made a promotional appointment of a person who had no college degree--even though several persons in the department were on the list, reachable, and qualified by education and experience. The person appointed, nevertheless, was number one on the promotional list.

The departmental personnel practices varied considerably. In no district were they considered adequate, and in some areas they were found seriously defective. A departmental study, following staff complaints to the state commissioner of personnel, indicated the following major concerns by staff: large case loads, crowded working conditions, lack of interview and dictating space and equipment, poor compensation for use of personal car, central office harrassment, intemperate, written reprimands from Central Office.

While the above conditions predominate in the Baltimore District, most of these conditions exist in the other districts to a varying degree.

With caseloads ranging to 150, large amounts of overtime were expected, yet day to day demands were such that compensating time could seldom be taken, yet if not taken promptly, earned overtime was lost. The department example was set by the Chairman-Director who reportedly or by "reputation" worked seven days a week. During the study a large number of officers were at work on Columbus Day, a legal holiday, primarily to

"have a desk" or to get in "dictation time".

(5) Public Relations and Publicity

Probation and parole agencies and services are accountable to the public and to officials and agencies of government. In fulfillment of these requirements of accountability, such agencies in order to meet the bare minimum standards should prepare and disseminate annual reports that clearly and accurately portray agency work, achievements, and needs.

Yet, two of the adult probation agencies in Maryland do not even meet these beginning standards of responsible administration. Neither the Baltimore County Probation Department, nor the Montgomery County People's Court Probation Department prepare such reports.

Also, it is notable that in those agencies where annual reports are prepared and disseminated, there is wide variation in content, and one might raise questions as to whether these reports meet in every respect minimum content standards.

Although there is a semblance of a formal ongoing program of public relations and publicity under way in some agencies, it is concluded that there is considerable room for improvement in all agencies, using the traditional mass communications media of press, radio and television, as well as face-to-face contacts.

PERSONNEL

Qualifications

Qualifications for probation and parole officers should be the same. For persons entering probation or parole work, the following standards of qualifications should be followed:

PREFERRED	Completion of 4 years of college <u>and</u> graduation from an accredited school of social work
NEXT BEST	Completion of 4 years of college with specialization in the social sciences <u>and</u> 1 year of experience in casework under supervision of a trained supervisor
MINIMUM	Completion of 4 years of college with specialization in the social sciences (preferably including courses in understanding human behavior)

For higher level positions, qualifications for appointment would be correspondingly higher, especially with respect to experience. Also, certain personal qualities as good health, emotional and intellectual maturity, integrity, patience, ability to relate to people, etc. are desirable.

Because some probation agencies and services are locally administered, while other probation and parole agencies and services are state administered, an unevenness and lack of uniformity in relation to qualifications and method of appointment or in status of employment exist. In fact, rather significant variations were noted in personnel practices. The following are examples of conditions found:

Most of the professional personnel in probation-parole agencies under state control have at least a college or university degree which is currently required for entering the service under a career civil service system. Several persons have graduate degrees or were working toward them. It is notable that no employees of the State Department of Parole and Probation possessed a masters degree in social work although this condition was not universally applicable among all agencies. The attitude of the administration in this particular agency was reported to be one of discouraging continuing efforts to obtain added professional training in social casework or otherwise.

In the Baltimore County Probation Department, with one exception, all current staff are college or university graduates. A substantial number have advanced degrees or are working toward them. A number of staff have been with the Department for many years, the director for sixteen years and the supervisor thirteen years. A commendable feature of the court's enlightened personnel policies is an increased pay incentive for those with graduate degrees. A beginning probation officer with a graduate degree starts at \$7,062, while one without graduate work begins at \$6,027. A similar differential for graduate degrees applies at the maximum of the pay scale. Further, the county has a commendable policy of paying 50% of an officer's tuition for

study, up to \$250.

With such enlightened personnel practices, it is unfortunate that the salary structure for probation officers is such, that some of the officers must hold down part time jobs on the side and some who are studying law at night, are planning to enter the legal profession.

In the Baltimore Supreme Bench Probation Department and the Montgomery County People's Court Probation Department, a number of probation officers were attending graduate school on a part time basis, on their own initiative. This is a commendable thing; however, the choice of study is heavily weighted in law rather than the social or behavioral sciences, and this leads to the conclusion that if and when the law degree is secured, such persons will leave probation practice.

A uniform approach in relation to qualifications, method of appointment and status of employment needs to be developed and made applicable to all probation-parole agencies throughout the state. This can best be accomplished under an integrated statewide probation-parole service, as previously recommended.

Compensation

Recruitment and retention of qualified, competent staff to render good quality probation and parole services, is in part determined by salaries paid. Such salaries should be commensurate with the qualifications and the high trust and

responsibility of the positions involved therein.

In this respect, Maryland has been at a disadvantage, since none of its adult probation-parole agencies pays salaries that are competitive with the Federal Probation-Parole Service or with many of its neighboring states.

The following are examples of higher salaries being paid in other jurisdictions compared with those paid in Maryland:

	<u>Agent I</u>
District of Columbia	\$7,900-\$10,330
Massachusetts	\$7,488-\$9,453
New York	\$8,175-\$9,880
U. S. Probation-Parole	\$7,220-\$9,425

Obviously, variations in salaries paid for similar work and similar positions exist, because some salaries are paid by local government, while others are paid by state government. The problem is further complicated by the existence of a very unusual personnel practice in the State Department of Parole as described below:

In some instances staff of this department are paid for by the counties using them, and in at least one instance it is reported that the county is paying an employee of the department a supplemental salary. The staff which counties pay for receive their pay and functional supervision from the State, take a State examination, but are hired locally by the County. Matters

of discipline must be taken up with the court or the county administrators. This combination of a state-county staff is, at best, a difficult situation, if not administratively unsound. Should one of these state-county employees be deserving of advancement within the department, it would be an extremely delicate situation.

It is recommended that all staff serving under the Department of Parole and Probation be selected from the list of eligibles by the Department, be responsible directly to the department, and receive his full pay from the department. Supplemental salary or other emoluments provided by the county should not be allowed. County participation in the costs of the service, if necessary and desirable, should be in payments to the state, not to individual employees of the state.

However, even with depressed salaries and allied problems, some jurisdictions are to be commended for providing additional compensation for those persons possessing graduate training and, as in the case of Baltimore County, as previously noted, for paying beyond the undergraduate level.

Workloads and Staffing

Workloads and staffing patterns are extremely important considerations in the development of efficient and effective probation and parole services. Yet these matters often appear to be the most misunderstood and least accepted. Attention is directed to the fact that the skill and training of the

officer, the amount of travel required to cover his assignment, the adequacy of office space and equipment, the availability of clerical assistance, and other necessary services and supplies, plus the relative seriousness of the problems presented by the group of offenders in his caseload, all affect the size of the caseload one officer might be able to deal with effectively.

If probation and parole are to exist in more than name only, it is clear that adequate staff time must be available. Investigations designed to provide the Court or the Parole Board with adequate information on which to base an intelligent and a just decision cannot be conducted without ample time to assess the real attitude of the offender toward himself, his offense, his family and his responsibilities as a member of society. Time and skill are also required in the investigation to contact employers, key community persons, and others, and to explore the implications of various possible dispositions as to the status of the offender or the treatment program required.

The supervision of an offender on probation or parole is, in a very real sense, the treatment method whereby the offender is helped to deal with the problems that brought him in conflict with the law in the first place, and make an adjustment that is acceptable to society and at least tolerable to him.

This cannot be done in a hurried interview once a month, or through occasional written reports. In fact, more harm than good is likely to result when such perfunctory practices lead the offender to believe he can "put things over" on his officer (who represents to the offender the arm of organized society), or when the impression is given that the officer really has no time for him as an individual, or is indifferent to him.

To assure the most favorable return on the investment of tax dollars, qualified staff in adequate numbers is required. Standards have been developed by the Professional Council of the National Council on Crime and Delinquency, and these should be used in Maryland to properly staff its probation and parole services. One officer should not be required to carry more than 50 units of work in one month's time. One case under active and continuing supervision during the month constitutes one work unit, while a presentence investigation for a court counts as five work units for the month in which it is made. A pre-parole investigation may count as 3 or 5 work units, depending upon the adequacy or existence of a presentence investigation report.

On the basis of the above caseload standards, one officer could carry 50 supervision cases per month if he had no pre-

sentence or pre-parole investigations to make. Ten comprehensive presentence or pre-parole investigations completed per month would constitute a maximum work load, without having any supervision cases. Some combination of supervision cases and investigations is generally desirable, so long as the total work units do not exceed 50.

In recent years the staff of the State Department of Parole and Probation has experienced a remarkable growth in size, rising from 47 in 1955 to 151 in 1966. Staff of this department has responsibility for both probation and parole work. During the fiscal year 1965-66 the following workload was reported, supervision cases only:

<u>Under Parole Supervision</u>	<u>Under Probation Supervision</u>	<u>TOTAL</u>
2,261	8,962	11,223

When the total staff of 151, which includes administrative and supervisory staff along with case-carrying officers, is viewed against the total supervision caseload, the average workload per staff person is 74.7. To have caseloads at the standard of no more than 50 per officer, Maryland should have 225 officers, not including administrative and supervisory staff, and not including officers needed to carry out presentence and pre-parole investigations.

In September 1966 the per-officer supervision load,

probation and parole combined for the staff of the Department of Parole and Probation was reported to be as shown below:

Supervision Caseloads (September 1966)

By District

<u>District Office</u>	<u>Highest Individual Caseload</u>	<u>Lowest Individual Caseload</u>	<u>Average Individual Caseload</u>	<u>TOTAL</u>
Baltimore	136	41	89	4,468
Central	109	42	77	771
Eastern	164	32	121	1,334
Montgomery	111	64	84	421
Northern	190	77	115	304
Southern	144	23	87	2,614
Western	123	95	104	521
TOTAL				10,933

When it is remembered that investigations are handled in addition to these supervision caseloads, it is clearly evident that the Department is far from meeting national caseload standards. A total of 219 officers are needed for 10,933 cases, plus additional officers for investigations, administration, and supervision.

Actually, there were only 85 officers carrying cases at the time of this study, thus an additional 134 officers would be needed if national standards were to be met. Even more additional officers would be needed to conduct presentence and

pre-parole investigations, and to carry out supervisory functions.

Standards call for one supervisor to oversee and help develop the skills and techniques of no more than six case-carrying officers. There were 14 supervisors at the time of this study, and an additional 23 supervisors would be needed if the case-carrying staff were increased to 219.

The additional staff needs reflected above, 134 officers and 23 supervisors, are so staggering that it is hardly necessary to compute further needs based on the presentence and pre-parole investigation loads. Further, many of the investigations now being made vary so greatly in comprehensiveness and the time required to complete them, that it is virtually impossible to obtain an accurate measurement of their volume in terms of work units.

The budget requirements for increasing staff of the Department by 157 or more officers and the required supporting staff supervisors is so great, and the task of recruiting and assimilating this many new staff in a short period of time, suggests that a long range plan to build staff to the appropriate level should be developed. However, these considerations should not detract from the extreme urgency of making steady and significant increases in staff. A plan to add from 25 to 50 new staff positions each year

should be developed and implemented. Other recommendations in this report, if implemented, would increase rather than decrease the need for additional parole and probation personnel, and the efforts to bring staff up to full strength should be reviewed and updated annually.

TABLE VI

Probation Supervision Caseloads in
the Department of Parole and Probation
Fiscal Years 1963 through 1966

<u>YEAR</u>	<u>CASELOAD</u>
1963	4,654
1964	5,899
1965	7,124
1966	8,962

It is interesting to note that the Department is authorized by law to provide probation services to some counties, but not specifically authorized to provide them to other counties. For example, special legislation was sought recently to enable the Department to provide probation service to the Criminal Division of the People's Court in Montgomery County. Upon failure of the legislation to pass, a separate probation department was established by this court to fulfill the need. The staff of that department would like to receive the benefit of the in-service training offered by the Department of Parole and Probation, but is not considered eligible.

Although the Department of Parole and Probation has not been able to provide all the service requested by those courts entitled by law, it is generally well accepted by the judges and court personnel contacted during this study.

In the time allotted to the study, it was not possible to do a complete analysis and evaluation of the work volume of the Supreme Bench Probation Department. However, a review of the annual report figures leave no question that in the criminal division investigation and supervision loads were grossly excessive. The 1964 annual report indicates the average caseload was between 95 and 101.

Approximately 93% of the time of the probation staff in this department is reportedly devoted to the function of collection of non-support, restitution, court costs, and similar monies, and only 7% to actual probation work. The Department collected over \$8,000,000 in 1963. Presentence investigations are used in approximately 10% of the cases, although some judges were reported to have made much greater use of the probation investigations than others.

Excessive workloads and poor working conditions have created morale problems resulting in considerable staff turnover; there were 16 resignations in 1964.

In 1965 additional critically needed positions were requested for the Department, 21 professional and eight clerical.

only five additional professional and two clerical positions were granted, but these were not permitted to be filled until midyear. The Probation Committee should carefully study the practice of withholding funds to fill staff vacancies or new positions.

In the Baltimore County Probation Department records for 1965 revealed a total of 117 presentence investigations completed that year. This averaged out to about two per month for each of the five officers. In addition, the supervision caseload for the five officers totaled 455, or an average of 92 per officer. The following table sets forth the actual caseload during this period for each officer.

TABLE VII

Actual Supervision Caseloads Reported
(Investigations - Estimated on Average Number)

<u>Officer</u>	<u>Supervision Caseload</u>	<u>Investigations (Based on Average)</u>
A	145	2
B	117	2
C	108	2
D	55	2
E	<u>32</u> 457	<u>2</u> 10

On the basis of the above workload, the criminal division, consisting of five officers, is overloaded to the extent that an additional five officers would be needed to bring these

loads down to the national standard of 50 work units per officer. However, only 75-90% of the cases now receive a presentence investigation report and additional staff would be required if presentences were done in all cases.

At the time of the study, this department had a total of 37 positions, 19 of these were professional and 18 clerical. The nearly one-to-one ratio is more apparent than real, however, since the collections division is staffed predominately with clerical personnel.

Staff turnover in this department is far less than in other probation and parole agencies in the state. No doubt the high personnel standards and good personnel practices are an important factor.

At the time of the study, there were approximately 70 cases under probation supervision in the Montgomery County People's Court Probation Department. The presentence work approximates 10-15 investigations per month. Thus, the two officers of this department are carrying workloads only slightly in excess of recommended standards. The size of the staff would tend to limit staff turnover. One officer is attending law school at night. Both officers expressed interest in receiving inservice training from the Maryland Department of Parole and Probation.

As previously mentioned in a preceding section of this

report, no administrative supervision of the work of these officers is performed other than from their accountability to the local judges. The State Department of Parole and Probation should be authorized to take over the service to these courts, or at least be authorized to provide some administrative supervision and inservice training.

PROGRAM AND SERVICES

Casework Services

(1) Pre-parole Investigation

Field staff make very few "pre-parole investigations prior to the action of the Board to grant parole. Mainly, staff of the institution is responsible for providing the Board with whatever evaluative and diagnostic material they have when considering a case for parole. This practice limits the base of knowledge on which parole decisions are made. The 1964 annual report of the Board reflects a total of 54 investigations specifically labeled "pre-parole" and these were all jail cases.

Home and employment investigations are made by the field staff on referral from the institution, after a parole has been granted by the Board. Upon approval of the home and employment, release is effected. The 1964 annual report of the Board shows that 3,033 parole hearings were held, 1,131 were granted parole, and home and employment investiga-

tions were conducted on 1,242. It is evident, therefore, that few investigations involving field visits by the staff were conducted prior to parole consideration.

In only a limited number of cases (about 10%, estimated) is there a presentence report, made at the time of commitment, available for consideration when the Board conducts its hearing. Therefore, the need for a field investigation shortly before the parole hearing is especially great in these cases. The Board, if the element of "gamble" is to be eliminated from the parole decision, should know much more about the man and his likelihood for success on the outside than can be ascertained from his record of institutional adjustment.

It is recommended that pre-parole investigations be conducted in the field in a preponderance of the cases prior to their appearance before the Board, that these be more than a perfunctory verification of "home and employment" plans, and that a written report of such investigations be submitted for the use of the Board at the hearing.

(2) Parole Supervision

Parole supervision cases are classified according to the degree of supervision they are to receive:

MAXIMUM: A weekly report is required, a positive monthly contact, monthly home and employment visits, collateral contacts, and special weekend checks are required

NORMAL: Requires a positive contact every two months, a monthly report, an employment and home visit every two months, and collateral contacts

MINIMUM: Requires a positive contact and home visit every three months and a monthly report

Changes in supervision status requires the approval of the agent's immediate supervisor. The operating procedure calls for parolees to be seen on a monthly basis.

Following a person's release from the institution on parole, he is usually seen in the office shortly after arrival. Therefore, contacts with the parolee occur in the office about 60%, in his home about 5%, and the remaining contacts are at his place of employment or elsewhere. Case records reviewed during the study revealed that much of the parole supervision is restricted to "reporting in" and "checking up". In fact, the heavy caseloads and inadequate working conditions are conducive to only limited contact with parolees. Except for a few instances in outlying districts there was little or no real casework or therapy being attempted.

(3) Termination and Discharge

Although the statutes permit the Board to terminate the supervision of a parolee prior to the expiration of maximum sentence, the practice has been to terminate only after 10 years of supervision, and then only if the parolee is in the "minimum" classification of supervision. Prolonged supervision builds high caseloads, much of which would likely be "dead wood", and tends to become a meaningless imposition on both the parolee and the agent. A period of two years, in most circumstances, is ample time for parole supervision to have its maximum impact on the parolee.

Although parole supervision may be suspended prior to maximum expiration of sentence, the parolee is not thereby discharged from further obligation and may have his parole revoked and be returned to the institution. It is recommended that the law permit the Board to grant a full discharge prior to the maximum expiration of sentence when, in its judgment, such discharge is warranted.

(4) Parole Revocation

When a parolee is thought to have violated the conditions of his parole, a special report summarizing the facts of the case and requesting a warrant is prepared by the agent and submitted to his immediate supervisor for approval and forwarding. Whether or not a warrant will be issued is determined at the central office. It is contrary to policy for a parolee to be detained

without the approval of the central office or without an appropriate warrant. A total of 234 were received in Maryland institutions as parole violators in the fiscal year 1965-66.

Probation Practice

As has been previously noted, adult probation services are performed by four separate agencies in the state, i.e., the State Department of Parole and Probation, the Supreme Bench Probation Department, the Baltimore County Probation Department, and the Montgomery County People's Court Probation Department.

Modern probation must be more than a form of granting leniency. Reliance cannot be placed on the offender having "learned his lesson" by his experience of arrest, detention, trial, or a period of confinement in an institution. Nor has it been demonstrated that lecture and exhortation are anything but futile in dealing with the complex problems of criminal behavior.

The effectiveness of probation in restoring law violators to a productive, self-supporting and law-abiding life in the free community is directly related to the quality and quantity of staff trained in the behavioral sciences. Staff must be provided adequate office space, equipment, and clerical assistance, and their workloads must be of manageable size.

Social casework in probation is generally regarded as the "backbone" of a good system for dealing effectively with the offender. This type of social casework service in the corrections

field depends upon the establishment of a sound professional relationship between the officer and the offender, at least to the extent that they can communicate effectively. It has to do with recognizing the basic problem the offender presents, assessing the strengths within the offender to cope with these problems, and developing a realistic plan of action to attain a solution. It has further to do with implementing the plan of action, constantly evaluating the progress being made and changing the plan as indicated--increasing the supervision, decreasing it, drawing in outside resources, or when circumstances warrant, return to the appropriate authority for revocation of the probation.

(1) Investigations

Among the several probation agencies in the State providing service to adults, the most common reports required are (1) presentence reports; (2) pre-trial reports; (3) postsentence reports; and (4) summary or "oral" reports.

- (a) The presentence investigation: A professional social evaluation and diagnostic approach to individual problems is essential in all criminal cases. The reports should be made exclusively for the court and include the probation officer's evaluation and recommendation. Unfortunately, a presentence investigation is made in only about 10% of the criminal cases
- (b) Pre-trial reports: This is used prior to trial or arraignment. Prior to a trial and a finding of guilt, the propriety of the Probation Department making a social investigation is questionable.

Should the case be dismissed or the "prospective" probationer found not guilty, the time and report of the probation officer is wasted. Further, the probation officer's investigation could well entail talking with victims, witnesses, friends and relatives, all of whom might conceivably be called for the trial

- (c) Postsentence reports: The City of Baltimore makes greater use of postsentence reports than other circuits throughout the State, and the practice varies individually among the judges. Rule 764B (Maryland Rules of Procedure 1961 edition) provides that within 90 days following imposition of sentence, the court may modify or reduce the sentence but cannot increase the sentence. Thus, a judge may commit to prison, and then after such commitment have the case investigated, and reduce or suspend sentence and grant probation

Charter and Public Laws of Baltimore City, Section 277(2) provides that the Criminal Court of Baltimore may place a prisoner on probation before or after commitment and incarceration

While at least one jurist indicated that "two or three months" often brought about considerable change in some individuals, a far more preferable procedure would be that of a comprehensive pre-sentence investigation. Some persons could be severely damaged psychologically because of unnecessary prison commitment, the cost of sending a probation officer to Jessup or Hagerstown is unwarranted, and since the commitment may be recalled, prison officials do little in the way of programming for the first 90 days

- (d) Summary report: This is used in uncomplicated, relatively simple cases, and when a comprehensive presentence investigation seems unwarranted. This type of case should be handled by a fully staffed, professional "intake division" of the Probation Department, with authority to close appropriate cases at the intake level. Such a procedure would relieve the court of unnecessary detail. In some instances a referee or master can be used for informal or summary hearings.

(2) Probation Supervision

Probation supervision is the treatment phase of probation as distinct from the presentence investigations which are largely informative and diagnostic. The rehabilitation of the offender and the protection of society rest heavily upon the quality of supervision. Only a few of the staff in the several agencies have been trained in professional social casework, but despite this and the fact that they are carrying excessive caseloads, serious attempts are made to provide casework help through individual counseling.

Review and evaluation of a random sampling of adult case records in all four agencies revealed a number of shortcomings as described below:

- (a) Greater importance seemed to be attached to and emphasis placed on the gathering of factual material for the investigations than on analysis and understanding of personality attitudes, feelings, motivations, and potential for responsible behavior.
- (b) In too numerous instances in investigation reports, preponderant attention and space were given to long detailing of the offense, prior record, statements of the police, offender, etc. while areas dealing with the home, employment, and family life, etc. received less attention. In fact, a substantial majority of all reports were found seriously deficient in their failure to capture the dynamics of interpersonal relationships between the offender and others.
- (c) Investigation reports demonstrated either a lack of awareness or a lack of knowledge and understanding of human behavior, by failure to identify and define areas of problem functioning of offenders.

(d) In investigation reports, the summary statement-the psycho-social diagnostic evaluation-was poorly developed. These statements generally failed to pull together the salient facts about the offender, and did not relate them to each other logically. Neither was there adequate interpretation of such data with an awareness of human behavior for use as a foundation for sound planning. It is granted that in many instances the recommendation for disposition contained therein was judged to be both realistic and appropriate, but the impression was gained that the decision was arrived at more by guesswork than by the use of evaluative skills and understanding of human behavior.

(e) In a substantial majority of cases reviewed, no evidence of a recorded treatment plan could be found. Such a lack raises a serious question as to the effectiveness of treatment work. The implication here is that most of what is being done revolves around the execution of controls and the maintenance of a system of routine superficial contacts with the offender and others.

Even in those few cases where some sort of treatment plan was recorded, the supervision record failed to give indication that the plan was being systematically followed. Thus, the conclusion is that much of what is being done is unplanned, routinized, and devoid of meaningful rehabilitative efforts.

(f) Entries made in supervision records generally do not adequately describe evidences of movement in cases, i.e., progress or lack of progress toward achievement of specific goals leading to a more successful adjustment in the community. Some entries failed to list dates and types of contacts held during a period of weeks or even months.

(g) Evidences of counseling during the period of supervision were not always present. In fact, counseling as such, which is supposed to engage the offender in mental activity to help him clarify his thinking and values, and to change inner attitudes and feelings, appeared to be relegated to a back seat.

- (h) Finally, case histories revealed only limited use of community resources, even in cases where problems and needs were identified that could not be met by the agency. This obviously raises questions of whether staff are aware of these problems and needs, or whether they have broad enough knowledge and understanding of the use of other community resources, or whether this condition is due to a paucity of such agencies in the various communities of the State, including Baltimore City.

In conclusion, it can reasonably be expected that work quality would improve based on the following:

1. Reduction of caseloads
2. Intensified ongoing structured inservice training
3. Closer and more meaningful supervision by supervisors
4. Use of an educational leave program to provide opportunities for part time and full time salaried leave to secure graduate training

(3) Staff Development

Generally, there is room for significant improvement in training opportunities in all agencies and at all staff levels.

A departmental training program in effect is indicative of the administration's awareness of the importance of training to the total operation. Additional training is needed in all jurisdictions for both field personnel and the middle management group. Educational leave with pay should be available on a selective basis for both part time and full time attendance at graduate schools.

There is indication in some instances that a disproportionate number of full or part time law students has been recruited in some agencies. This practice tends to perpetuate the recruiting problems and increase the training need since many of these persons do not remain in the service, but go on to private practice upon graduation. Greater recruitment efforts focused on the social and behavior sciences might well pay greater dividends. Opportunities for staff to serve as speakers, instructors, or lecturers for schools and interested community groups should be encouraged and supported. Student training programs developed in conjunction with nearby schools are not only a good public relations vehicle, but are also excellent for recruitment purposes.

(4) Transportation

In some jurisdictions use of one's personal auto or the lack of availability of an agency auto in the performance of official duties has created problems and is a cause for staff concern. It should be standard policy that where staff must use personal autos, they will be paid proper and adequate mileage allowance.

Parking space should be available both for agency owned autos and for personal autos when used for official business. Adequate funds should always be available when staff are required to use public transportation--preferably through cash

advancements--or at least through reimbursement by voucher, if the former method is impractical.

Field work is an essential part of the probation-parole job and it is incumbent upon government at all levels to provide needed transportation, in order that tasks can be done as efficiently, effectively and economically as is possible.

(5) Research-Statistics-Special Programs

In Maryland, an assessment of the total statewide program of probation and parole services for the adult offender could not be made due to the fragmentation of agencies and services, and the lack of any uniform system for collecting, tabulating and evaluating appropriate statistical data and case information.

Other than the Research and Analysis Staff Specialist, recently appointed by the State Department of Parole and Probation, no adult probation-parole agency appears to have either the personnel or equipment to do the job that needs to be done.

This appointment is only a beginning--the State must progressively move toward the development of such a system, if it is ever going to be able to objectively evaluate programs and services in this field and compare the costs and results with other kinds of programs and projects. This involves two

requirements:

1. Development of a central statewide correctional system using modern methods and equipment for collection, storage, analysis, tabulation, and interchange of data and case information.
2. A modern statistical and record keeping system at the local level, to facilitate the collection, interpretation and reporting of appropriate data and case information to the central facility.

Special caseloads for selected offenders, in addition to the use of new concepts, approaches, programs, etc., offer some hope for greater future success in working with offenders in the rehabilitative fields. Maryland has made a beginning, with the development in some jurisdictions of experimental programs dealing with narcotic addicts and alcoholics. While it may be too early to assess their effectiveness, they do appear to offer some hope of success, which should result in a reduction of the institutional population, at a substantial savings in both money and human resources.

Other programs and projects should be initiated on an experimental basis, including group counseling, special employment counseling, and job finding, group residences, marital and family counseling, etc.

CHAPTER IV

THE PATUXENT INSTITUTION

One phase of our study was that of the institution at Patuxent which functions exclusively under Article 31B*, known as the Defective Delinquent statute. The statutes were reviewed and visits were made to the institution by a member of the field study staff. Also, several previous studies were analyzed, as well as a sample of case records. Several staff members were interviewed. Some time was devoted to the Baltimore City halfway house of Patuxent.

Patuxent is an independent and separate institution established under a special board to rehabilitate dangerous defective offenders by means of therapeutic programs and the environment of the institution. It began operation in 1955 under the Department of Correction as an experiment in the use of indeterminate sentences in the treatment of defective delinquents. It has been operating as an independent institution since 1961.

In a report of "The Commission to Study and Re-evaluate Patuxent Institution - 1961", the institution was stated to have two primary purposes:

"The first, the protection of the public from those criminal offenders who have not only been convicted of one of the more serious offenses but who are also found, on the basis of their history of criminal and other anti-

*Public General Laws of Maryland

social conduct and of psychiatric diagnosis, to be legally sane but nevertheless so defective mentally or emotionally that it can be predicted with considerable assurance that they will continue to be a menace to the safety of the public. The statute provides for the commitment of dangerous persons of this type to Patuxent Institution after a hearing in which it is found by the court or a jury that they possess the requisite emotional or mental deficiency and that their dangerous tendencies are such as to require confinement.

The other principal purpose of Patuxent Institution and of the defective delinquent statute is the rehabilitation of dangerous defectives by means of the therapeutic program and environment of the institution. It was recognized at an early stage that not all inmates would respond to treatment successfully."

From the "Report of the Commission to Study Changes and Basis of Selection for Patuxent Institution, 1965", the following is quoted:

"The report of the majority of the Patuxent Commission recommends a number of changes in the law which seem highly pertinent to some parts of the broad field of study assigned to our Commission. Among the recommendations of the Patuxent Commission are: The enactment of an extended sentence law applicable generally to dangerous offenders (such offenders as now fit the definition of a defective delinquent) under which a sentence of imprisonment for as much as 30 years might be imposed; the abolition of the indeterminate sentence; examination and evaluation of prisoners by Patuxent after conviction and before a hearing as to whether an extended sentence should be imposed as an aid to the court in determining the proper sentence; admitting to Patuxent only those prisoners deemed likely to profit by the treatment afforded there, other dangerous offenders being confined under an extended sentence in the regular penal institutions; concomitant with the establishment of fixed terms instead of indeterminate sentences for inmates of Patuxent, the elimination of periodic hearings for redetermination of defective delinquency

(or its equivalent); and retransfer of Patuxent to the Department of Correction."

A comprehensive evaluation of Patuxent was not made nor was it believed necessary under the circumstances. There are several exhaustive studies of the institution available to the Commission. However, it was possible during the course of the study to recognize a number of problems created by separating this one segment from the state's total correctional problem.

THE SELECTION PROCESS

The Institution is charged with the responsibility for the confinement and treatment, when appropriate, of adult criminal offenders classified as defective delinquents. A defective delinquent is "an individual who, by demonstration of persistent aggravated anti-social or criminal behavior, evidences propensity toward criminal activity, and who is found to have either such intellectual deficiency or emotional unbalance, or both, as to clearly demonstrate an actual danger to society so as to require such confinement and treatment when appropriate, as may make it reasonably safe for society to terminate the confinement and treatment".

A person may be committed to Patuxent only if he has been convicted of one of the following: (1) a felony; (2) a misdemeanor punishable by imprisonment in the penitentiary; (3) a crime of violence; (4) a sex crime involving - (a) physical

force or violence, (b) disparity of age between an adult and a minor, or (c) a sexual act of an uncontrolled and/or repetitive nature; (5) two or more convictions in a criminal court for any offenses or crimes punishable by imprisonment.

A second prerequisite is that the person must have been sentenced for the crime of which he has been convicted. Therefore, the offender is sentenced on a criminal act before the commencement of the procedure for commitment to Patuxent.

The sentenced offender is then sent to Patuxent for diagnosis to determine whether he is a "defective delinquent". The decision to send to Patuxent for diagnosis is made by the court that sentences him. It may do this on its own motion, or upon a request from the prosecutor, the Commissioner of Correction, or by the person himself or his attorney.

The person referred for diagnosis is held at Patuxent, examined by at least three members of the staff (one must be a psychiatrist, one a psychologist and one a medical physician). They are required to make a written report addressed to the court stating whether the subject is a defective delinquent. Following the report, the subject is given a court hearing to determine whether he shall be adjudged a defective delinquent. He may elect to have a jury, a private or court appointed attorney and psychiatrist to represent him. If he is found to be a defective delinquent, he is officially committed to

Patuxent. The official commitment generally does not start until about one year after arrival due to difficulties in scheduling arraignments, appointing counsel and psychiatrist, and scheduling it in court. The diagnostic workup generally takes about 60 days. Men under detention (prior to commitment) are segregated from those committed and are not involved in a treatment program.

Commitment is for an indeterminate sentence--for life unless the inmate is released by (1) the institutional board of review; (2) a court, as a result of a rehearing. When an inmate has served two-thirds of his fixed sentence that had been imposed for the crime he had been convicted of, he may demand a rehearing in court (with a jury if desired) to establish if he is still a defective delinquent. Thereafter he may demand rehearings every three years. If it is decided that he still is a defective delinquent, he remains committed to Patuxent; otherwise, he is released from his commitment and in most cases goes free. However, if there is time remaining on his original sentence, he may be transferred back to the Department of Correction to complete his sentence.

A number of cases were encountered in the prison system that could well have been at Patuxent; also, several former Patuxent cases were seen that subsequently had been committed to Jessup or Hagerstown. When asked why the records from Patuxent were not available, study staff was informed that these

records were seldom available to the Board of Parole and Probation. The Patuxent administrators, however, reported they invariably made case files and records available to the Commissioner of Correction.

It was reported that, on occasion, the Department of Correction would transfer selected cases to Patuxent for treatment, but that transfer was dependent upon acceptance by Patuxent.

ADMINISTRATION

The Patuxent Institution is under the administrative control of the "Board of Patuxent Institution". The Board is made up of a chairman and four associate members, all of whom are appointed by the Governor. The Board determines policy in relation to the management, control, and supervision of the Institution, its inmate body and staff.

The Institution is under the direct administrative control of a director, also appointed by the Governor, and who must be a psychiatrist. Two of the three associate directors must also be psychiatrists.

Staffing

Personnel of the Social Service Department, which handles intakes in addition to parole, prepares social histories, conducts tier counseling (weekly visits to each tier) and other inservice duties (a limited amount of group and individual

counseling) consists of 10 full time and two part time social workers. They are budgeted for 14 (1 director, 3 supervisors, 10 workers). Positions, qualifications, and salaries are as follows: Social worker IV (director) MSW, 5 years experience, 2 of which must be supervisory, \$8,560-\$10,698; social worker III's (supervisors) MSW, 2 years experience, \$7,800-\$9,750; social worker II, MSW, 2 years experience, \$7,420-\$9,276; social worker I, MSW, \$6,660-\$9,323; social worker assistant II, BA plus 1 year towards MSW, \$5,910-\$7,464; social worker assistant I, BA plus enrolled in first year of graduate school of social work; \$5,350-\$6,683. Currently there is one director, one supervisor, two social workers II's, two part time social workers I's, one assistant social worker II and four assistant social workers I's. The director will not hire anyone not planning to obtain an MSW. Working conditions are flexible to encourage continued education. However, salaries are not competitive nationally and in the last 2½ years 6 supervisors have been lost. Currently there are two supervisory and 2 worker positions vacant.

PROGRAM

Institutional Treatment

The treatment program for those committed consists of individual and group therapy, educational and vocational training. There are 9 psychiatrists (6 full time and 3 part time)

in addition to the director, 6 full time and 2 part time psychologists, and 11 social workers (two of whom are only part time). With an inmate population of approximately 500 (maximum capacity 600), the therapist-inmate ratio is good. Eighty per cent of the committed population is involved in some type of therapy (group or individual).

The Social Service Director feels that his staff, because of a shortage of personnel, is not able to do the job they should do. There is reportedly very little professional coverage of the diagnostic cases and the social workers deal only with emergencies with the committed population. Group therapy is the treatment of choice. Very few men are undergoing individual therapy. The social workers do offer counseling but appear to be used mostly for investigations, social histories, liaison people between an inmate and his family.

Release Procedure

The paroling authority is the Institutional Board of Review, consisting of the director, 3 associate directors and, as specified by law, a professor of constitutional law from the University of Maryland, a sociology professor from a Maryland university and a member of the Bar, all appointed by the Governor.

The procedures followed are good. The Board must review the status of each committed inmate at least once a year and

make a recommendation as to the confinement and treatment of each. If an inmate progresses sufficiently in therapy, he may be released on parole by the Board.

Prior to Board hearings there are staff review meetings whereby the professional staff from the pertinent departments study those inmates coming up on the routine Board review list (each inmate must be reviewed once a year) and make recommendations to the Board as to leave, parole, status or change in status. "Status" implies an inmate is to be considered for leave, holidays, live in-work out program or parole. The review board meets monthly. However, each month they alternate between regular review hearings (routine review as required by law) and special review hearings (for those cases recommended for status, i.e. parole or one of the above mentioned alternatives.)

A parolee may be returned for (1) therapeutic reasons; (2) for a violation of technical conditions and (3) for new offenses. Generally the supervision is not rigid and a man is not returned for (1) or (2). There is a reasonable amount of permissiveness.

Parole Supervision

Generally, a man is not given an outright parole, but when placed on "status", he is eased into parole through monthly weekend leaves, 5 day holiday leaves or live in-work out programs.

Occasionally a social worker will go with the inmate into the community for job hunting. Pre-parole planning generally goes on for a period of about 6 months.

There is no end to parole unless a man is found no longer defective delinquent by the courts, subsequent to a rehearing, or unless the Board of Review recommends release from defective delinquent status following satisfactory adjustment. However, to date no one has been on parole longer than four years.

Inmates are not released on parole until they have an adequate and approved program. Currently there are approximately 60 men from Patuxent on parole. The aftercare service is primarily the responsibility of the institutional social service department, although a psychiatrist supervises the operation. Decisions are team decisions. Whenever feasible, the social worker that began with the inmate at intake continues with him throughout his period of institutionalization and parole. All line social workers are involved in aftercare. The aftercare (or outpatient) caseloads range from 1 or 2 to a high of 12. The average is less than 10 and case contacts are at least weekly. Two half time social workers work solely in aftercare (two nights and Saturdays). Case supervision appears to be skilled and case recording was at a high professional level.

Written supervision reports are required bi-monthly by the parole or aftercare workers. The team approach is employed for

any change of status, e.g., if a man is returned, the decision is made by the aftercare worker and consulting psychiatrist. The psychiatric consultant assigned to parole is available one night a week at the outpatient clinic and on call. The social service department meets monthly as a group along with a psychiatric consultant.

Specialized Community Programs

Patuxent opened a halfway house in Baltimore in October 1966. This facility is leased, remodeled and furnished with Federal and State surplus furniture and contains six apartments for two men each, a dayroom, and in the basement several offices and meeting rooms. There is no staff available except during the clinical sessions four nights a week from about 7:00 to 10:00 p.m. Parolees pay \$15 per week for their room. The rent more than covers the operational costs. The basement "outpatient clinic" is open four nights a week and every one on parole is required to attend once a week (unless his home is too distant) for group counseling led by a psychiatrist, psychologist, or social worker. Currently there are seven men in the house. Those who live too far away are seen individually by their aftercare worker who travels to see them once a week. The approach is a down-to-earth, practical, educative, and supportive one.

CONCLUSIONS

Selection for release, preparation for release, field supervision and treatment, and trial releases and other innovative methods make the parole or aftercare program at Patuxent one of the most unusual and outstanding in the country.

Administratively and economically the Patuxent Institution, its release procedures and parole supervision should become an integral part of a broadened and improved state correctional system. The findings of this study indicate, however, that many facets of the Patuxent program are vastly superior to anything encountered in the rest of the state. At such time as there is a consolidation of correctional services, Patuxent should be included but care should be exercised to preserve the quality of its operation.

CHAPTER V

AN INFORMATION SYSTEM

Crime and criminal behavior are problems of increasing and serious social concern. The traditional defense against crime--law enforcement agencies and crime detection techniques, prosecution, courts, corrections--are having to cope with a dynamically changing society. Modern electronic data systems are needed to store vast amounts of criminal information and retrieve it instantly for use by an agency requiring it.

A number of years ago the central F. B. I. offices in Washington installed a mechanized system for storage and quick retrieval of data concerning fingerprints, offender groups, modus operandi, etc. Unfortunately, except for isolated local developments, these techniques were not developed in other broad and essential areas, either nationally, statewide, or locally.

One of the most significant factors in the effectiveness of the administration of justice is the handling of information. The collection, processing, and analysis of critically required information is essential to all state and local agencies if they are to be effective in their individual operations. Further, the sharing or interchange of information among law enforcement, judicial, and correctional agencies is basic to

the accomplishment of their objective--the protection of the public. Selected information out of the justice system is needed by top decision makers, the governor, the legislature, and fiscal control agencies in order to establish priorities for the expenditure of state funds in the war against criminal behavior.

Field time was devoted to the Administrative Office of the Courts, the Maryland state law enforcement computer system, the annual reports of the police department of Baltimore City, the Department of Correction, the Department of Parole and Probation, and the Supreme Bench Probation Department of Baltimore City. Administrative and research staff of each agency were interviewed, and various records were perused.

The several state and local agencies in the criminal justice system of Maryland maintain separate information systems of varying nature and quality. Most prepare an annual report which is attractive and informative, but of limited use for administrative purposes. These systems were found inadequate to the task of analyzing "what is happening" in the administration of criminal justice in the State of Maryland. The existing methods used for processing information do not adequately supply present requirements and are grossly inadequate for future needs of the state's justice system.

The limitations of existing systems and techniques are

at least partially due to the fact that each agency attends primarily to its own needs and is only minimally concerned with the needs of other operating agencies. For example, the Administrative Office of the Courts compiles data on "court filings". While the number of court filings may assist the Administrative Office to assess the volume of court business, this information has little value to the Department of Parole and Probation or the Probation Department of the Supreme Bench since their records are maintained on the basis of individual case files.

The need is critical for a statewide computerized information system embracing all aspects of the crime problem from the time of arrest to final disposition and discharge from parole. All appropriate agencies should be required by law to contribute information to the system. There are no statewide figures on crimes committed and those cleared by arrest. All arrest data are maintained locally, and are available in only a few jurisdictions. The Baltimore City Police Department has an excellent annual report in which arrest data are presented, but this department is one of the few publishing an annual report. Data on arraignments, trials, convictions and court dispositions (probation, fines, and commitment to jail or prison) are not collected, analyzed on a statewide basis and reported to the governor, the legislature

and the public.

The proposed Maryland State Law Enforcement computer system is currently focused primarily on police data--name and address, fingerprints, location indices, intelligence and investigative leads, traffic accident data, time and location of accidents, and similar matters. Important as these data are to law enforcement, a computerized information system handling strictly law enforcement data will not meet the many and diverse needs of the state's top planners, fiscal control people, the courts, and correctional administrators. The need is for a single broad and comprehensive information system to serve all elements of the criminal justice system.

A case was cited during the study which illustrates the need for an efficient information system: A man arrested, tried, and convicted on a burglary charge was placed on probation by the court in Baltimore County. Subsequently the same man came into the court in Baltimore City on a new charge of burglary and was placed on probation. It was some time later when officials in the County learned of the new crime and the court's disposition in the City, whereupon the County picked him up as a probation violator and committed him to prison. Much time and expense could have been saved by an adequate information system.

In the records reviewed during this study the only

authentic document of arrest and disposition data was that obtained from the F. B. I. These documents must be obtained by mail, other than in emergencies, and are sometimes delayed in receipt or not requested by the courts.

RECOMMENDATIONS

1. A statewide, fully computerized information system covering all aspects of the administration of criminal justice should be developed on a high priority basis
2. A standing committee of administrators in law, law enforcement, the courts, probation and parole, and correctional institutions should be established by law, or appointed by the governor or the appellate court, to design and implement the information system.
3. The information system should encompass juvenile as well as adult matters pertaining to the administration of justice.
4. All state and local agencies included in the information system should be required by law to report appropriate data, and policies and procedures should be established concerning their access to the data in the system.
5. Numerous sources for funding an information system should be explored, such as the Law Enforcement Assistance Act, for possible help in developing the system.

CHAPTER VI

A NEED FOR RESEARCH

Nationwide, there is limited acceptance on the part of many of the people in positions of leadership and fiscal control as to the vital need for research in court and correctional programs. When correctional administrators attempt to budget for a program or personnel for research, they usually meet opposition from fiscal authorities.

There are a few, not more than 3 or 4, research positions in the entire correctional system of the State of Maryland. One of these research people also handles personnel matters and has little or no time for research. The other people mostly compile statistical data for budget purposes. While this is important, it is only a part of what we are discussing.

The arena of corrections--police practices, court dispositions, probation services, institutions and parole--constitutes a mammoth laboratory for research in many areas. The benefits of a coordinated research effort in the total correctional system will offset the costs many times over in actual cash, as well as in salvaged lives. Limited and fragmented research on an agency-by-agency basis is not without value, but it is costly, inefficient, and falls short of the

all-out effort needed to cope with one of the largest problems facing the state and the nation.

Maryland, along with most of the states, uses institutional confinement for large numbers of offenders. This is the most expensive "treatment" program for handling offenders, yet research into the value and effectiveness of this method and the kinds of offenders for whom it is best suited is particularly non-existent. This area of research is particularly important for Maryland in view of the disproportionate number of a certain classification of offender in its state prisons.

For example, in the National Prisoner Statistics, Characteristics of State Prisoners - 1960, published by the U. S. Bureau of Prisons, Washington, D. C., Maryland is listed with every other state, showing a tabulation of the numbers of prisoners in the prison system by the crime category of their commitment offense. Most of these are typical criminal offenses: homicide, robbery, assault, burglary, etc. However, there is one category in the table listed as "others"; Maryland has more prisoners listed in this miscellaneous "other" category than any state in the union. Maryland, with a state population of three and a half (3½) million, had 742 persons in their prison system in the "other" category while California, with a population of 18 million, had 406 and

New York listed 254.

Research may not be needed to show "why" the above atypical cases are more prevalent in Maryland prisons than elsewhere. It is pretty well established that Maryland uses its state prison system for these while most other states use county jails or correctional institutions. Research is needed, however, to assess the kinds of people in this category, whether or not they constitute a serious threat to public safety, and what the end result of incarceration really is. Maryland should ask: (1) Why are these offenders placed in prison? (2) Is this the best and most economical way to handle the problem? (3) Are these people being helped, or is the state adding to the problem?

The recent prison riots in Maryland highlight the need for ongoing and thorough research in many areas. While no attempt is made here to compile an exhaustive list, the following are questions on which research is needed:

1. To what extent does the mixing of long and short term prisoners in one institution add to the unrest among the prisoners and defeat treatment efforts?
2. How is prisoner morale affected by the limited time of parole hearings and the relatively low rate of paroles granted?

3. What is the relative "success" or "failure" of prisoners released on parole and those released by expiration of sentence, and what are the factors that influence outcome?
4. To what extent are the correctional and rehabilitative needs of individual offenders adequately assessed before the court passes sentence?
5. What kinds of people respond positively to the various treatment alternatives available now?
6. To what extent is the crime rate affected by the various programs of the criminal justice system?

RECOMMENDATIONS

1. The current research efforts of individual agencies should be strengthened and improved.
2. Concomitant with the establishment of a statewide information system, a joint research effort should be promulgated by the Department of Correction, Board of Parole and Probation, Administrative Office of the Courts, and other appropriate state and local bodies.

